Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-1

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 19-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(304), TO LIGHT INDUSTRIAL ZONE, M-1, PROPERTY LOCATED ON THE EAST SIDE OF CARPENTER ROAD SOUTH OF CUMMINS DRIVE. (JEFF STEPHENS/MST CONSTRUCTORS, INC.)

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

WHEREAS, Jeff Stephens/MST Constructors, Inc. has proposed that the zoning designation for the property located on the east side of Carpenter Road south of Cummins Drive be amended to rezone from Planned Development Zone, P-D(304), to Light Industrial Zone, M-1, property located on the east side of Carpenter Road south of Cummins Drive, in the City of Modesto ("the project"), and

WHEREAS, on November 13, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-138 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on December 1, 1997, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the initial study prepared for the proposed project on November 13, 1997, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

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

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

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

4. There are no specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-2

A RESOLUTION ACCEPTING THE PROJECT TITLED "SERVICE YARD BUS HOIST SLAB" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Service Yard Bus Hoist Slab, has been completed by Ross F. Carroll, Inc., in accordance with the contract agreement dated August 20, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Service Yard Bus Hoist Slab be accepted from said contractor, Ross F. Carroll, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $23,886.30 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-3

A RESOLUTION ACCEPTING THE PROJECT TITLED KEWIN/MOOSE PARK BRIDGE REPLACEMENT AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Kewin/Moose Park Bridge Replacement, has been completed by W-Bar Construction, in accordance with the contract agreement dated July 1, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Kewin/Moose Park Bridge Replacement be accepted from said contractor, W-Bar Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $70,689.98 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-4

A RESOLUTION ACCEPTING THE PROJECT TITLED WATER DIVISION MEETING ROOM REMODELING AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Water Division Meeting Room Remodeling, has been completed by Howell Construction, in accordance with the contract agreement dated July 8, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Water Division Meetin Room Remodel be accepted from said contractor, Howell Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $85,099.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-5

Print

A RESOLUTION ACCEPTING THE CAPITAL FACILITIES FEES FUND SUMMARIES REPORT AND MAKING THE REQUIRED STATUTORY FINDINGS.

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging Capital Facilities Fees (CFF), and

WHEREAS, the City is required by State Law to report and to make certain findings, (Government Code Section 66001), on its CFF Program every five (5) years, following the first deposit into the account or fund, and every five (5) years thereafter, the local agency shall make certain findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted, and

WHEREAS, on January 6, 1998, the City Council considered a report dated December 30, 1997, relating to CCF which was submitted to the Council by the Finance Director of the City of Modesto, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, the information and findings in the report relate to the CFF Program the Council adopted in 1989 and amended in 1992 by Council Resolution 92-507,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby accepts the report dated December 30, 1997, relating to CCF which was submitted to the Council by the Finance Director of the City of Modesto, a copy of which report is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the Council makes the following findings:

(1) **The purpose to which the fee is to be put is identified as follows:**

The fee is for the purpose of financing municipal public facilities to reduce the impacts of future development. Such improvements include but are not limited to expansion, construction, development and/or acquisition of a new police station, fire stations, various parks and recreation facilities, city hall office space and equipment, a corporation yard, and various street projects. The fees collected shall be used to finance the municipal public facilities identified in Attachment 1. Attachment 1 identifies eight (8) CFF funds and the proposed projects in each.

(2) **A reasonable relationship between the fee and the purpose for which it is charged is demonstrated as follows:**

The City funded a major study to assess the facilities required to accommodate growth. The study established reasonable relationships between the fees and the proposed projects, and assessed the fees based on the projected impact of the various land uses. The results of that study are the basis of the Capital Facility Fees. The study was adopted by City Council in two (2) separate documents; "Capital Facilities Fee Report, February 1989" adopted by Council on February 28, 1989; and "Capital Facilities Fee Report, Phase 2, October 1989", adopted by Council on November 21, 1989. The required findings are, these reports demonstrate a reasonable relationship between the fee and the purpose for which the fee is charged.

(3) **All sources and amounts of funding anticipated to complete financing of the public facilities are identified as follows:**

The sources of funding for the projects included in the CFF program are outlined in the adopted CFF reports identified above, and are summarized by fund in Exhibit "A", attached hereto and incorporated herein by reference. Some projects are fully funded by CFF, some are funded by existing City sources and CFF funds, and some projects have other anticipated funding sources such as State or developer contributions. The required findings are, the sources and amounts of funding to complete the public improvements are included in the adopted CFF documents and are summarized in Exhibit "A", attached hereto and

incorporated herein by reference.

(4) **The approximate dates on which funding for the public facilities is expected to be deposited into the appropriate fund are designated as follows:**

The key funding source for the majority of projects is CFF revenue which is dependent on development trends. The required findings are, the CFF funds will be deposited as development occurs over the next twenty (20) years. To date, there has not been an instance where a required matching source (non-CFF) has not been available and the project delayed. In fact, there are many projects just waiting for the CFF funds to become available. Any required match will be made available in a timely manner upon the determination that enough CFF funds are available to finance a particular project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith and Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

City of Modesto
Capital Facilities Fees
Annual Summary Report
FY 1996-97

	Total All Funds	Police 131	Fire Fund 132	Expsswy Fund 133	Street Lights Fund 134	Parks Fund 135	Traffic Signals Fund 136	Wastewtr Treatmt Fund 137	Other Facilities Fund 138	CFF Admin Fund 139	Streets Fund 141	Public Transptn Fund 142	Air Quality Fund 143
Fund Balance 6/30/96	7,844,450	1,101,568	(414,589)	0	0	1,363,065	0	0	636,780	91,309	4,638,093	184,912	243,312
Add:	0												
Fee Revenue (net of refunds)	1,604,941	88,461	52,801	0	0	387,081	0	0	78,285	39,139	918,138	14,287	26,749
Other Revenue(State/Cty)	507,068	0	0	0	0	0	0	0	0	0	507,068	0	0
Transfers In	10,116	0	0	0	0	3,000	0	0	0	0	0	0	7,116
Interest Revenue	504,185	71,330	189	0	0	88,716	0	0	40,290	6,701	271,407	12,051	13,501
Less:													
Expenditures	2,416,653	13,474	40,482	0	0	378,816	0	0	100,179	6,924	1,840,296	0	36,483
Transfers Out	112,563	0	0	0	0	0	0	0	0	0	0	0	112,563
Fund Balance 6/30/97	7,941,544	1,247,885	(402,081)	0	0	1,463,046	0	0	655,177	130,225	4,494,410	211,250	141,632
Less:													
Net Reappropriations 6/30/97	4,440,044	81,452	0	0	0	830,258	0	0	126,778	0	3,125,157	153,000	123,399
Available Working Capital 6/30/97	3,501,500	1,166,433	(402,081)	0	0	632,788	0	0	528,399	130,225	1,369,253	58,250	18,233
Uses of available working capital:													
Available Working Capital 6/30/97	3,501,500	1,166,433	(402,081)	0	0	632,788	0	0	528,399	130,225	1,369,253	58,250	18,233
Adjust for 1997-98 Budget Impacts:													
Estimated Revenue 9/30/97	2,524,570	147,890	45,200	0	0	394,210	0	0	81,840	34,230	1,765,000	21,880	34,320
Budgeted Projects 9/30/97	(3,922,000)	(92,000)	(40,000)	0	0	(990,000)	0	0	0	(130,000)	(2,670,000)	0	0
Estimated Working Capital 6/30/98	2,104,070	1,222,323	(396,881)	0	0	36,998	0	0	610,239	34,455	464,253	80,130	52,553
Total Refunds made during 1996-97:	$634	$100	$63	$0	$0	$0	$0	$0	$100	$15	$338	$6	$12

Notes:

Transfer out from fund 143 was made to the funds/projects below:

051	Amtrack Station expenditures	$60,000
170	Dry Creek Bike Trail expenditures	$52,563

The negative fund balance in fund 132 is covered by a loan from the General Fund which is now being repaid as funds become available.

Police Capital Facilities Fees - Fund 131

		% of Total
CFF PROJECTS		
Total Cost of Growth Projects:	**$14,199,112**	
Total Revenue Collected in this fund:	**$2,543,259**	**17.91%**
Total Expenditures on Growth Projects:	**$1,295,375**	**9.12%**
CITY DEFICIENCIES		
Total Cost of Existing Deficiency Projects:	**$7,243,136**	
Total Expenditures on Deficiency Projects:	**$365,010**	**5.04%**

Revenue	**Year Received**	**Fees**	**Interest**	**Total**
	1987-88	$234,601	$4,756	$239,357
	1988-89	473,066	21,308	494,374
	1989-90	609,220	38,912	648,132
	1990-91	285,141	80,661	365,802
	1991-92	43,411	62,350	105,761
	1992-93	128,907	43,718	172,625
	1993-94	42,246	47,050	89,296
	1994-95	75,584	64,260	139,844
	1995-96	63,739	64,537	128,276
	1996-97	88,461	71,330	159,791
Total Revenue		$2,044,378	$498,881	$2,543,259

	Existing City Deficiencies		**CFF Growth Projects**	
PROJECT DESCRIPTION	Project Costs	1989-97 Expenditures	Project Costs	1989-97 Expenditures
Remodel Existing building (100% City)	$1,053,000			
New Police Facility (27% City - 73% CFF)				
New Police Building	4,169,459		$11,272,892	$35,898
Service Yard & Landscaping	149,315		403,510	
Equipment for Building	157,398	248,770	425,352	
Communications Center Equipment	466,200		466,200	400,000
Storage Building (50% City - 50% CFF)				
Storage Bldg Construction	255,984		255,984	
Storage Garage Construction	352,808		352,808	
Site Preparation	27,641		27,641	
Land Acquisition	225,000		225,000	398,103
Parking Structure (50% City - 50% CFF)				
208 Space Garage	1,436,766		1,436,766	
Site Preparation	27,641		27,641	27,966
Land Acquisition	137,500		137,500	286,288
Contingency (5%)	422,936		751,565	
Vehicles - City Deficiency				
4 Patrol @ $20,800 each	92,352	51,000		147,120
6 Other Vehicles @ 12,000 each	79,920	65,240		
Vehicles - CFF				
39 Patrol Cars @ $20,800 each			900,432	
80 Other Vehicles @ 12,000 each			1,065,600	
Subtotals	$9,053,920	$365,010	$17,748,890	$1,295,375
Less: 20% reduction per resolution 92-507	(1,810,784)		(3,549,778)	
Totals	**$7,243,136**	**$365,010**	**$14,199,112**	**$1,295,375**

Fire Capital Facilities Fees - Fund 132

		% of Total
CFF PROJECTS		
Total Cost of CFF Projects:	$9,880,147	
Total Revenue Collected in this fund:	$993,545	10.06%
Total Expenditures on CFF Projects:	$1,397,533	14.14%
CITY DEFICIENCY		
Total Cost of Existing Deficiencies:	$2,108,044	
Total Expenditures on Deficiency Project	$1,605,300	76.15%

The 1987 CFF identified no existing deficiencies. The 1987 CFF was being collected for a Fire Drill Training Tower, all other fire improvements listed at a cost of $3,077,000. The 1987 program was superceded by the comprehensive 1989 CFF program outlined below. In that study the fire department is viewed as a complete system. Below are the projects needed to fully complete the Fire System. The total cost of the completed system is $22,454,880. This total amount is apportioned based on total estimated population at buildout. The share attributed to new growth is 55% of $22,454,880 less 20% (per resolution 92-507 effective 9/8/92) is $17,963,904 *.55 = $9,880,147. The difference between the total cost of projects required to be completed $11,988,191 ($14,985,239 less 20%) and growth's share $9,880,147, equals the City's deficiency of $2,108,044.

REVENUES	**Year Received**	**Revenue**	**Interest**	**Total**
	1987-88	$87,569	$1,775	$89,344
	1988-89	179,879	7,185	187,064
	1989-90	274,497	24,506	299,003
	1990-91	134,736	14,131	148,867
	1991-92	36,035	5,258	41,293
	1992-93	76,647	291	76,938
	1993-94	25,227	214	25,441
	1994-95	34,037	175	34,211
	1995-96	37,881	512	38,394
	1996-97	52,801	189	52,990
Total Revenue		$939,309	$54,236	$993,545

EXPENDITURES	**Project**	**Total Project**	**Total CFF Expenditures**	**Total City Expenditures**
Project Description	**SubCost**	**Cost**	**1987-1997**	**1987-1997**
Central Adminstration Building & Equipment		$2,040,042		
New Administration Building-construc	1,141,452			
New Administration Building-Land	600,000			
Closed Circuit TV system	75,480			
Complete Data management system	62,160			44,890
Radio System	160,950			
remodel Station #1		664,443	$33,053	
relocate station #2		505,440		

Fire CFF Fund 132 - Continued

Expenditures Project Description	Project SubCost	Total Project Cost	Total CFF Expenditures 1987-1997	Total City Expenditures 1987-1997
Fire Station #9		$791,953.00	$874,978.00	
Construction	401,193			
Land (.5 acre)	40,000			
Fire engine and equipment	305,250			
Station and staff equipment	45,510			
Fire station #10		848,815	408,788	
Construction	458,055			
Land (.5 acre)	40,000			
Fire engine and equipment	305,250			
Station and staff equipment	45,510			
Other Upgrades:				
Remodel existing stations		421,200	28,974	
Build and Equip Reqional Training Center (P&I pmts)		1,373,112		439,539
New Equipment & Maintenance Building		370,656		
Aircraft Fire Fighting Burn Pit		368,550		
Retrofit traffic signals with preemption		832,500	30,817	49,318
Vehicle and Equipment Replacement:				
Air/Lighting Utility Vehicle		277,500		
'obile Service Truck		28,860		
ɔ Vehicles		59,940		
3 Fire Engines		732,600		542,553
1 Rescue Vehicle		194,250		
Aerial Ladder Truck		538,350		529,000
Emergency Breathing Eqpt/Air Filling Clean Room		96,570		
Other Equipment		78,810	20,923	
Stations 11 - 13 (Building/Land/Equip)		1,646,490		
Building	1,389,960			
Land	120,000			
Station & Staff equipment	136,530			
Engines for stations 11-13		915,750		
Aerial Ladder truck		538,350		
Rescue truck		194,250		
Staff vehicles (8 - $18,000 each)		159,840		
Signal preemption system (new signals)		721,500		
Improvements at station #8		585,468		
Total to complete fire system		$14,985,239	$1,397,533	$1,605,300
Total cost of completion ($14,985,239 less 20% = $11,988,191)			$11,988,191	
Less: CFF Share (55% of complete Fire System: $22,454,880 less 20% = $1 $17,963,904 * .55= $9,880,147)			($9,880,147)	
Total remaining City share			$2,108,044	

* Due to shortfall in revenue, the General Fund has loaned this Fund $415,460. Repayment of this loan begins in FY 1997-98.

PARKS CAPITAL FACILITIES FEE - FUND 135

CFF PROJECTS		% of Total
Total Cost of CFF Projects:	**$80,582,357**	
Total Revenue Collected in this fund:	**$6,456,903**	**8.01%**
Total Expenditures on CFF Projects:	**$5,526,609**	**6.86%**
CITY DEFICIENCIES		
Total Cost of Existing Deficiency Projects	**$10,755,375**	
Total Expenditure on Deficiency Projects	**$2,852,839**	**26.52%**

REVENUE

Year Received	Revenue	Interest	Total
1987-88	$487,901	$9,399	$497,300
1988-89	1,091,789	46,366	1,138,155
1989-90	1,441,870	173,959	1,615,829
1990-91	835,995	284,193	1,120,188
1991-92	132,238	238,615	370,853
1992-93	529,449	168,360	697,809
1993-94	262,614	111,824	374,438
1994-95	150,650	104,074	254,724
1995-96	295,053	92,554	387,607
1996-97	387,081	88,716	475,797
Total Revenue	$4,932,505	$1,136,790	$6,456,903

The Parks CFF is based on a total system. The parks development portion was based on population estimates and park prototypes. The "Other Parks" category was basd on current standards and identified specific projects based on a 45/55 ratio. For clarity, the "Park Development" projects are viewed seperately from the "Other Parks" projects.

NEIGHBORHOOD PARK SYSTEM

Listed below are all the neighborhood park projects needed to complete the neighborhood park system. The cost to complete the neighborhood park system is $32,463,795 ($40,579,744 less 20%). New Growth is responsible for $31,420,817 ($39,276,021 less 20%) based on the required park acreage per 1000 population. The existing deficiency is the difference between these two amounts or $32,463,795-31,420,817 = $1,042,978.

EXPENDITURES New Neighborhood Parks Project Description	Project Costs	CFF Expenditures	City Expenditures
W. Maze	$1,445,099	$673	
Vineyard	1,445,099		
Paradise West	1,445,099		
Brete Harte	2,890,197	1,165	
Morrow	1,445,099		
Stanislaus	1,445,099		
Kiernan	1,445,099		
Claribel	1,445,099		
Hetch Hetchy	1,445,099		
Oakdale	1,445,099		
Mable	1,445,099		
Plainview	1,445,099		
Santa Fe	1,445,099		
Claus	1,445,099		
Merle	1,445,099	1,092,014	
Merle East	1,445,099		
Empire West	1,445,099	264,896	
North McHenry	2,599,418	1,283	
Total New Neighborhood Parks	$28,611,199	$1,360,031	$0

EXPENDITURES-continued

Undeveloped Neighborhood Parks **Project Description**	**Project Costs**	**CFF Expenditures**	**City Expenditures**
Aqueduct	$613,640	$65,548	$244,879
Chrysler #2 - 99	561,941	391,321	2,041
Eisenhut	613,640		13,435
Floyd #2	1,022,552		472,177
Mark Twain	786,718		
Orchard	1,123,883	498,909	45,000
Perkins	674,330	29,680	301,381
Riverside	1,123,883	26,500	541,437
Robertson Road	747,382	9,971	292,090
Roselle	561,941		55,000
Stockard Coffee	561,941		8,792
Wright	561,941		
Yosemite	561,941	44,943	65
Total Undeveloped Neighborhood Parks	$9,515,733	$1,066,872	$1,976,297
Partially Developed Neighborhood Parks			
Coleman Brown	$32,445		
Chrysler	32,445		
East La Loma	94,091	$110,803	$35,533
Fairway	586,173		
Floyd	0	25,440	
Lakewood	97,335		
Mellis	69,216		64,407
Muir	93,009		
Muncy	7,571		
Sherwood	19,467		
Sipherd	54,885		6,218
Sonoma Park	42,450		42,450
Sylvan	22,712		
T.B. Scott	38,934		
West Side	33,527		
McKinney Colony	751,641		265,000
Wesson Ranch	476,941		442,835
Woodland/Alberta Martone	0	10,414	1,924
Total Partially Developed Neighborhood Parks	$2,452,842	$146,657	$858,367
Total Neighborhood Parks System	**$40,579,774**	**$2,573,560**	**$2,834,664**

Community Parks System

Listed below are all projects needed to complete the Community Park System. The total cost is $25,168,147 ($31,460,184 less 20%). The CFF portion is $26,802,273 less 20%= $21,441,818; this is based on community park acreage standards per 1000 population. The existing deficiency is the difference between the two or $3,726,329.

Vinyard	$6,729,300		
Fairwiew	6,729,300		
Morrow	6,729,300		
Mabel	6,429,300		
Johansen	4,842,984	$2,651,049	
Total Community Parks	$31,460,184	$2,651,049	0

OTHER FACILITES & EQUIPMENT

The other parks projects required to meet the established standards are listed individually. These projects were analyzed individually and a population ratio was applied to arrive at the proportionate share for new growth and for existing deficiency. First the CFF projects are listed, followed by the existing deficiency projects. All projects are subject to the 20% decrease adopted by resolution 92-507.

OTHER PARK FACILITIES - 100 % CFF

Project Description	Project Costs	CFF Expenditures
Multipurpose Buildings at Junior High Schools	$1,665,231	
Tennis Courts (6) at Junior High Schools	915,772	
Community Recreation Buidings (4)	7,886,160	
Tuolumne River Regional Park Development	6,705,208	302,000
Dry Creek Park-reimbursement	1,655,000	
Golf Courses (2 new courses-land acquisition)	11,440,000	
Parks Division Equipment	2,197,700	
Tree Division Equipment	2,184,580	
Subtotal CFF Other Facilities & Equipment	$34,649,651	$302,000
less 20% reduction	($6,929,930)	
Total CFF Other Facilities & Equipment	**$27,719,721**	**$302,000**

OTHER PARK FACILITIES - 100 % CITY DEFICIENCY

Project Description	Project Costs	City Expenditures
Community Recreation Buildings	$6,454,890	
Tennis Courts near Jr. Highs	458,055	
Tuolumne River Regional Park Development	321,000	
Various vehicles & equipment	248,640	$18,175
Subtotal Other Park Facilities & Equipt-City	$7,482,585	$18,175
less 20% reduction	($1,496,517)	
Total Other Park Facilities & Equipment-City	**$5,986,068**	**$18,175**

OTHER FACILITIES CAPITAL FACILITIES FEE - FUND 138

		% of Total	$1,506,464
CFF PROJECTS			
Total Cost of CFF Projects:	**$14,630,168**		
Total Revenue collected in this fund:	**$1,362,705**	**4.37%**	
Total Expenditures on CFF Projects	**$826,102**	**0.65%**	
CITY DEFICIENCIES			
Total Cost of Existing Deficiencies	**$3,453,840**		
Total Expenditures on Deficiency Projects	**$188,489**	**5.46%**	

REVENUE

	Year received	Revenue	Interest	Total
	1987-88	$69,152	$1,402	$70,554
	1988-89	149,948	6,487	156,435
	1989-90	376,317	27,824	404,141
	1990-91	187,734	50,920	238,654
	1991-92	55,801	43,007	98,808
	1992-93	113,926	33,869	147,795
	1993-94	38,321	31,887	70,208
	1994-95	38,680	40,938	79,618
	1995-96	56,114	40,378	96,493
	1996-97	78,285	40,290	118,575
Total Revenue		$1,085,993	$276,712	$1,362,705

EXPENDITURES

Existing City Deficiencies

Project Description	Project Cost	City Expenditures
Replace and Equip Annex	$1,368,900	$4,553
Remodel City Hall and Crocker Building	2,948,400	183,936
Subtotal Deficiency Projects	4,317,300	188,489
Less 20% reduction	(863,460)	
Total Deficiency Projects	$3,453,840	$188,489

CFF Projects

Project Description	Project Cost	CFF Expenditures
City Corporation Yard		
Land	$400,000	
Construction	1,547,910	$39,938
City Hall Parking Garage	1,263,600	
City Hall Expansion - Admin Offices	5,328,180	230,035
City Hall Equipment & Computers	1,343,100	520,144
Vehicles	8,404,920	35,985
Subtotal CFF Projects	$18,287,710	$826,102
Less 20% reduction	(3,657,542)	0
Total CFF Projects	$14,630,168	$826,102

Capital Facilities Fee Administration - Fund 139

The administration fund was established in the 1989 CFF program. The fund receives 2.5% of the CFF revenue collected. The funds are to be spent in the following areas:

Annual Administration Costs (Estimated at $65,000 per year in 1988 dollars).
Annual Update Costs (Estimated at $6,000 per year in 1988 dollars).
Five Year Update Costs (Estimated at $107,000 per update in 1988 dollars).

REVENUES

Year Received	Fees	Interest	Total
1988-89	$3,537	$0	$3,537
1989-90	91,241	676	91,917
1990-91	102,596	5,180	107,776
1991-92	53,268	3,374	56,642
1992-93	63,349	1,577	64,926
1993-94	20,978	2,032	23,010
1994-95	18,833	3,629	22,461
1995-96	30,592	4,619	35,211
1996-97	39,139	6,701	45,840
Total Revenues	$384,392	$21,087	$405,479

EXPENDITURES

1989-90	
Annual Administration Costs	$26,350
Annual Update Costs	0
Five Year Update costs	0
	$26,350

1990-91	
Annual Administration Costs	$76,300
Annual Update Costs	25,544
Five Year Update costs	0
	$101,844

1991-92	
Annual Administration Costs	$72,850
Annual Update Costs	7,918
Five Year Update costs	0
	$80,768

1992-93	
Annual Administration Costs	$68,972
Annual Update Costs	6,865
Five Year Update costs	0
	$75,837

1993-94	
Annual Administration Costs	$3,911
Annual Update Costs	330
Five Year Update costs	0
	$4,241

1994-95	
Annual Administration Costs	$15,567
Annual Update Costs	0
Five Year Update costs	0
	$15,567

1995-96	
Annual Administration Costs	$9,564
Annual Update Costs	0
Five Year Update costs	0
	$9,564

1996-97	
Annual Administration Costs	$6,924
Annual Update Costs	0
Five Year Update costs	0
	$6,924

FUND 141 STREETS FUND (1989 CFF)

This fund was created in the 1989 CFF Update. It replaces the old street funds (133, 134, 136).
This fund is comprised of four sections:

141.01 Streets and Medians
141.02 Expressways
141.03 Traffic Signals
141.04 Freeway 99 Interchange Improvements
Total Streets CFF

In 1994-95, the last of the interest revenue collected in the old funds was transferred to the new fund,141, and the old funds were deleted.

This fund was updated in the 1990 update for inflation. An additional adjustment was also necessary. The adjustment involved corrections to the list of improvements that form the basis for the streets fee. These changes include the addition of medians at specific intersections and the subtraction of traffic signal costs that were over estimated or double counted. The most significant change has been an increase in paving cost estimates due to poor soil conditions which were discovered when work began. During the 1990-91 update an adjustment was made to shift the traffic synchronization project (estimated cost $3,200,000) from the Air Quality Fund to the Streets Fund, this adjustment is included in the traffic signal component.

1991-92: No update was done during FY 1991-92, the annual fee adjustment was postponed by CC 11/19/91.
1992-93: Resolution 92-507 adopted reducing streets fees by 30%. This included a 20% decrease in project costs, a $558,000 reduction in a street project "Claus-Lateral No. 2 to Yosemite", and a 19.8 million reduction in project costs to account for federal highway funding for street CFF projects.
993-97: No change in the CFF program.

FUND 141 STREETS CFF - SUMMARY

Street Section	% of Fund	Project Cost	Fees	Interest	State Federal	Transfers In	Totals
141.01 Streets and Medians	24.86%	$59,199,653	$2,801,096	$491,831	$261,004	$0	$3,553,931
141.02 Expressways	58.56%	139,450,754	5,864,381	968,646	981,136	632,661	8,446,824
141.03 Traffic Signals	10.82%	25,758,000	1,172,666	191,655	1,803,384	152,490	3,320,195
141.04 SB99 Interchanges	5.76%	13,711,593	610,211	100,787	0	0	710,998
Total 1991 CFF Street Project Costs		238,120,000					
Less 1992 adjustments:							
20% Cost Reduction		(47,624,000)					
Federal and State Funds		(19,800,000)					
Totals		**$170,696,000**	**$10,448,355**	**$1,752,919**	**$3,045,523**	**$785,151**	**$16,031,948**

CFF EXPENDITURES		% of total	EXISTING DEFICIENCIES Project Cost	City Expenditures
141.01 Streets and Medians	$1,575,258	2.66%	$8,600,062	$4,667,636
141.02 Expressways	5,167,371	3.71%	0	0
141.03 Traffic Signals	4,654,272	18.07%	2,220,000	2,423,415
141.04 SB99 Interchanges	0	0.00%	0	0
OTAL EXPENDITURES	**$11,396,901**	6.68%	**$10,820,062**	**$7,091,051**
TOTAL REVENUE	**$16,031,948**	9.39%		

FUND 141.01 STREETS & MEDIANS

		% of Total
CFF PROJECTS		
Total Cost of CFF Projects	**$59,199,653**	
Total Revenue Collected in this Fund	**$3,553,931**	**6.00%**
Total Expenditures on CFF Projects	**$1,575,258**	**2.66%**
CITY DEFICIENCIES		
Total Cost of Deficiency Projects	**$8,600,062**	
Total Expenditures on Projects	**$4,667,636**	**54.27%**

REVENUE

Year received	Fees	Interest	State/ Federal	Transfers In	Totals
1989-90	$341,661	$741	$0	$0	$342,402
1990-91	837,787	98,549	0	0	936,336
1991-92	480,398	65,024	0	0	545,422
1992-93	396,664	60,779	260,000	0	717,443
1993-94	163,591	53,495	1,004	0	218,090
1994-95	169,066	65,205	0	0	234,271
1995-96	183,668	80,562	0	0	264,230
1996-97	228,261	67,476	0	0	295,737
Total	$2,801,096	$491,831	$261,004	$0	$3,553,931

EXPENDITURES

EXISTING DEFICIENCY PROJECTS

Project Description		Project Costs	1987-97 Expenditures
East-West Arterials			
Standiford	Dale to Prescott	$1,307,826	$1,553,295
Scenic	Coffee to Lakewood	500,175	620,928
Yosemite	Claus to East Urban Limit	*	
Sisk	Standiford to Briggsmore	1,627,938	1,436,067
Kansas	Carpenter to Ninth	3,269,565	22,542
North-South Arterials			
Carpenter	Blue Gum to Kansas	313,794	221,078
McHenry	Standiford to Briggsmore	30,537	
McHenry	Briggsmore to Orangeburg	12,636	
Coffee	Sylvan to Floyd	623,376	813,726
Oakdale	Pelandale to Floyd	2,948,400	
Oakdale	Floyd to Briggsmore	115,830	
Subtotal Streets Deficiency Projects		$10,750,077	$4,667,636
Less: 20% Reduction		($2,150,015)	
Total Streets Deficiency Projects		$8,600,062	$4,667,636

Assumed to be responsibility of fronting land owners as development occurs.

Streets & Medians - continued

CFF PROJECTS

				Project Costs	1987-97 Expenditures
EAST-WEST ARTERIALS					
PELANDALE	DALE TO PRESCOTT	2 lns	100%	$2,790,521	
PELANDALE	PRESCOTT TO TULLY	2 lns	100%	2,522,341	
PELANDALE	TULLY TO McHENRY	2 lns	100%	4,021,481	
PELANDALE	McHENRY TO COFFEE	2 lns	100%	3,231,762	
PELANDALE	COFFEE TO OAKDALE	2 lns	100%	2,658,898	
PELANDALE	OAKDALE TO ROSELLE	2 lns	100%	2,882,216	
PELANDALE	ROSELLE TO EXPRESSWAY	2 lns	100%	2,426,189	
YOSEMITE	EL VISTA TO LINCOLN	6 lns	100%	2,042,820	
YOSEMITE	LINCOLN TO MARIPOSA	6 lns	100%	245,909	
YOSEMITE	MARIPOSA TO CLAUS	6 lns	100%	777,493	241,783
YOSEMITE	CLAUS TO East U.L.	6 lns	100%	1,841,682	241,783
YOSEMITE	EMPIRE GRADE SEPARATION	4 lns	40%	5,054,400	
HATCH	CROWS LANDING TO SR 99		100%	5,764,137	
TOTAL EAST-WEST				$36,259,849	$0
NORTH-SOUTH ARTERIALS					
PRESCOTT	KIERNAN TO SNYDER	2 lns	100%	$3,028,185	
CARPENTER	KANSAS TO MAZE	4 lns	100%	1,078,371	$1,024,081
CARPENTER	MAZE TO CALIFORNIA	4 lns	100%	1,015,909	29,456
CARPENTER	CALIFORNIA TO PARADISE	4 lns	100%	1,902,199	12,934
CARPENTER	PARADISE TO HATCH	4 lns	100%	6,902,103	
TULLY	PELANDALE TO STANDIFORD	4 lns	100%	305,159	
McHENRY	PELANDALE TO STANDIFORD	6 lns	100%	1,004,918	
COFFEE	CLARIBEL TO PELANDALE	4 lns	100%	715,671	
OAKDALE	CLARIBEL TO PELANDALE	4 lns	100%	959,072	
OAKDALE	PELANDALE TO SYLVAN	6 lns	100%	718,110	
ROSELLE	FLOYD TO BRIGGSMORE	4 lns	100%	273,282	
LAKEWOOD	BRIGGSMORE TO SCENIC	4 lns	100%	1,022,789	
LINCOLN	SCENIC TO YOSEMITE	4 lns	100%	2,421,900	25,221
TOTAL NORTH-SOUTH				21,347,668	
TOTAL STREETS				$57,607,517	$1,575,258
MEDIANS					
On selected intersection approaches			100%	$536,188	
On new or widened streets			100%	1,055,948	
TOTAL MEDIANS				$1,592,136	$0
TOTAL MAJOR STREETS AND MEDIANS				$59,199,653	$1,575,258

FUND 141.02 EXPRESSWAYS

		% of Total
CFF PROJECTS		
Total Cost of CFF Projects	**$139,450,754**	
Total Revenue Collected in this Fund	**$8,446,824**	**6.06%**
Total Expenditures on CFF Projects	**$5,167,371**	**3.71%**

CITY DEFICIENCIES
None

REVENUE

Year received	Fees	Interest	State Federal	Transfers In	Totals
1989-90	$796,749	$1,727	$0	$0	$798,476
1990-91	1,240,697	41,658	0	0	$1,282,355
1991-92	1,138,606	153,764	0	0	$1,292,370
1992-93	934,381	143,171	0	250,000	$1,327,552
1993-94	385,355	126,012	914,414	132,000	$1,557,781
1994-95	398,252	153,597	54,215	250,661	$856,725
1995-96	432,649	189,771	5,094	0	$627,514
1996-97	537,692	158,946	7,413	0	$704,051
Total Revenue	$5,864,381	$968,646	$981,136	$632,661	$8,446,824

EXPENDITURES

EXPRESSWAYS				Project Costs	1987-97 Expenditures
IERNAN	DALE TO PRESCOTT	4 lns	75% *	$2,648,000	59,270
KIERNAN	PRESCOTT TO TULLY	4 lns	75% *	2,985,178	21,368
KIERNAN	TULLY TO McHENRY	4 lns	75% *	2,530,697	21,368
CLARIBEL	McHENRY TO COFFEE	4 lns	100%	4,027,782	
CLARIBEL	COFFEE TO OAKDALE	4 lns	100%	3,615,304	
CLARIBEL	OAKDALE TO ROSELLE	4 lns	100%	4,249,682	
CLARIBEL	ROSELLE TO EXPRESSWAY	4 lns	100%	2,691,488	
EXPRESSWAY	CLARIBEL TO PELANDALE	4 lns	100%	4,045,022	
EXPRESSWAY	PELANDALE TO CLAUS	4 lns	100%	907,136	
CLAUS	EXPRESSWAY TO SYLVAN	6 lns	100%	794,213	
CLAUS	SYLVAN TO FLOYD	6 lns	100%	3,777,109	
CLAUS	FLOYD TO BRIGGSMORE	6 lns	100%	4,332,037	
CLAUS	BRIGGSMORE TO SCENIC	6 lns	100%	2,821,119	656
CLAUS	SCENIC TO LAT. NO. 2	6 lns	100%	3,879,095	1,113,627
CLAUS	LAT. NO. 2 TO YOSEMITE	6 lns	100%	289,098	270,251
GARNER	YOSEMITE TO FINCH	6 lns	100%	4,328,723	
GARNER	FINCH TO HATCH	4 lns	100%	12,523,464	
BRIGGSMORE	SR99 TO PRESCOTT	6 lns	100%	412,270	463,763
BRIGGSMORE	PRESCOTT TO TULLY	6 lns	100%	2,858,535	1,239,868
BRIGGSMORE	TULLY TO McHENRY	6 lns	100%	3,719,315	1,286,539
BRIGGSMORE	McHENRY TO COFFEE	6 lns	100%	3,592,800	356,492
BRIGGSMORE	COFFEE TO OAKDALE	6 lns	100%	3,318,082	309,822
BRIGGSMORE	OAKDALE TO ROSELLE	6 lns	100%	3,326,752	24,347
BRIGGSMORE	ROSELLE TO CLAUS	4 lns	100%	2,809,854	
URBAN INTERCHANGES - 4 @ $8,000,000 each			100%	33,696,000	
"R 132	SR99 TO MORSE/NEBRASKA	4 lns	60% *	25,272,000	
				$139,450,754	$5,167,371

* STATE 25%
** STATE 40%

FUND 141.03 TRAFFIC SIGNALS

		% of Total
CFF PROJECTS		
Total Cost of CFF Projects	**$25,758,000**	
Total Revenue Collected in this Fund	**$3,320,195**	**12.89%**
Total Expenditures on CFF Projects	**$4,654,272**	**18.07%**
CITY DEFICIENCIES		
Total Cost of Deficiency Projects	**$2,220,000**	
Total Expenditures on Projects	**$2,423,415**	**109.16%**

REVENUE

Year received	Fees	Interest	State Federal	Transfers In	Totals
1989-90	$160,456	$348	$0	$0	$160,804
1990-91	285,127	17,695	0	0	302,822
1991-92	230,521	31,108	95,000	0	356,629
1992-93	172,590	26,445	195,694	100,000	494,729
1993-94	71,179	23,276	33,459	25,323	153,237
1994-95	73,561	28,371	22,535	27,167	151,634
1995-96	79,915	35,053	957,042	0	1,072,010
1996-97	99,317	29,359	499,655	0	628,331
Total Revenue	$1,172,666	$191,655	$1,803,384	$152,490	$3,320,195

EXPENDITURES

CITY DEFICIENCY PROJECTS

	Expenditures
SYLVAN-COFFEE	53,580
MCHENRY-BRIGGSMORE MODIFICATION	28,335
REPLACE CONTROLLERS-VARIOUS	30,000
TANDIFORD/DALE/SISK ROW ACQUISITION	70,000
DALE/SNYDER TRAFFIC SIGNAL	131,986
1989 FETSIM PROGRAM	46,116
1990 FETSIM PROGRAM	45,791
1991 FETSIM PROGRAM	61,979
1992 FETSIM PROGRAM	29,066
YOSEMITE/SANTA ROSA TRAFFIC SIGNAL	61,845
CARPENTER/KANSAS TRAFFIC SIGNAL	175,998
COFFEE/BRIGGSMORE TRAFFIC SIGNAL MODIFICATION	39,722
CLAUS/SCENIC TRAFFIC SIGNAL	215,022
SISK/RUMBLE TRAFFIC SIGNAL	112,687
TRAFFIC SIGNAL MODIFICATIONS-VARIOUS	167,505
MCHENRY/RUMBLE MODIFICATION	32,521
COFFEE/NORWEGIAN SISK/DALE/STANDIFORD	80,684
SISK/DALE/STANDIFORD TRAFFIC SIGNAL MODIFICATION	114,347
BEYER HIGH SCHOOL MODIFICATION	279,933
MCHENRY/FLOYD MODIFICATION	696
OAKDALE/BRIGGSMORE TRAFFIC SIGNAL MODIFICATION	52,658
BRIGGSMORE TIMEBASED COORDINATION	46,076
OAKDALE/EL VISTA TIME BASED COORDINATION	8,038
BRIGGSMORE/CLAUS T/S CONTROLLERS	45,258
ORANGEBURG/ROSE TRAFFIC SIGNAL	4,919
NINTH & D STREET TRAFFIC SIGNAL	56,473
PVEA T/S CONTROLLERS (8)	123,267
CLAUS/CREEKWOOD TRAFFIC SIGNAL	86,735
SCENIC/OAKDALE/EL VISTA INTERSECTION MODIFICATIONS	57,881
LAZE/EMERALD TRAFFIC SIGNAL	43,256
9TH/COLDWELL/WOODLAND T/S MODIFICATION	6,420
COLLEGE/ORANGEBURG T/S MODIFICATION	56,939
ORANGEBURG/TULLY T/S MODIFICATION	527
CARVER/STANDIFORD T/S	57,155
TOTAL PROGRESS ON DEFICIENCY PROJECTS (through 6/30/1994)	$2,423,415

CFF PROJECTS

TRAFFIC SIGNALS (new and modifications)	Project Costs	
New signals	$17,999,000	100%
Modifications	$4,207,000	100%
Traffic Synchronization	$3,552,000	
TOTAL	$25,758,000	

THESE ARE CFF PROJECTS THAT WERE CONSTRUCTED WITH NON-CFF FUNDS (MOSTLY FEDERAL FUNDING).

CONTROLLER REPLACEMENT AT FOLLOWING SIGNALS (89 FETSIM - Gas Tax Fund not CFF):	
EL VISTA/ENCINA	$8,300
EL VISTA/MILLER	9,400
ORANGEBURG/SUNRISE	9,000
COFFEE/ORANGEBURG	14,100
COFFEE FLOYD	14,400
COFFEE/RUMBLE	14,700
CONTROLLER REPLACEMENT AT FOLLOWING SIGNALS (90 FETSIM - Gas Tax Fund not CFF):	
DALE AT VINTAGE FAIRE DRIVEWAY	8,600
STANDIFORD AT SISK	8,800
STANDIFORD AT DALE	8,800
STANDIFORD AT CONANT	2,600
STANDIFORD AT COLONIAL	2,600
TULLY AT RUMBLE	5,600

CFF EXPENDITURES	1987-97 Expenditures
T/S KANSAS/EMERALD	96,864
BRIGGSMORE-OAKDALE T/S MOD	80,140
ATMS DESIGN/SYSTEM ADMINSTRATR	110,949
CENTRALIZED TRAFFIC SIGNAL CON	1,761,447
CFF T/SIGNAL DESIGN-NEW LOCTNS	0
YOSEMITE/CREEKWOOD T/SIGNALS	0
MCHENRY/MORRIS SIGNAL MODIF	44,576
9TH/L TRAFFIC SIGNAL	25,687
RESTRIPE CLAUS/BRGGSMRE-YSMITE	25,840
CLAUS - GARNER/YOSEMITE INTRST	0
AUTOMATED TRAFFIC MANGMT(CCTV)	221,239
LOW COST TRAFFIC IMPROVEMENTS	29,664
ORANGEBURG/CARVER T/S	89,999
SISK/VINTAGE DR. AREA T/S	64,543
T/S DESIGN/CONSTRUCTION-NEW	51
YOSEMITE/CREEKWOOD T/S	107,605
BRIGGSMORE/OAKDALE T/SIG MDIFY	141,668
CARPENTER/BLUE GUM T/S MODIFY	94,999
ATMS SYSTEM VENDOR	135,993
ADVANCED TRAFFIC MANAGMT SYSTM	106,605
COFFEE/FLOYD TRAFFIC SIGNAL MO	81,627
COFFEE/RUMBLE T/SIGNAL MODFCTN	71,583
ORANGEBURG/LAKEWOOD T/SIGNAL	0
RAFFIC IMPROVEMNT-VARIOUS NEW	92,946
T/SIGNAL DESIGN/CONSTRUCT NEW	246
T/SIGNAL MODIFICATIONS-CFF	11,174
TULLY/RUMBLE T/SIGNAL UPGRADE	6,016
S.R.132 "D" ST/11TH ST T/S	77,400
6TH/L STREETS T/SIGNAL MOD	23,956

Traffic Signals - continued

	1987-97 Expenditures
7TH/L STREETS T/SIGNAL MOD	20,060
ADVANCED TRAFFIC MANAGMT SYSTM	740
DOWNTOWN T/SIGNAL IMPROVEMENT	149,658
LOW COST TRAFFIC IMPMT VARIOUS	31,196
SCENIC/BODEM T/SIGNAL MOD	42,746
T/SIGNAL DSGN/CNSTN NEW LCTNS	1,254
T/SIGNAL MOD VARIOUS NEW LCTNS	5,578
CLAUS/BRIGGSMORE INTRSCTN IMPT	172,481
PELANDALE/SISK TRAFFIC SIGNAL	173,233
T/S DESIGN/CONSTRN NEW LOCTNS	11
STANDIFORD/CONANT-L/TN T/S MOD	14,190
T/S MODIFY CROWSLNDG/WHITMORE	7,117
T/S MODIFY ORANGEBURG/OAKDALE	1,428
T/S MODIFY ORANGEBURG/SUNRISE	11,941
T/S MODIFY VARIOUS NEW LOCTNS	2,663
LOW COST TRAFFIC IMPTS-VARIOUS	16,791
INTERSECTION UPGRADES VARIOUS	9,890
TRAFFIC SIGNAL 9TH/CARVER	311
T/S SYCHRONIZTN-RE-TIME DWNTWN	0
T/S SYNCHRO-CLOSED CIRCUIT TV	1,485
T/S KANSAS/SR99 SOUTHBND RAMPS	354
T/S CENTRAL CONTROL SYSTEM	217,897
CLAUS/ORANGEBURG T/S-ENGRNG	117,897
ORANGEBURG/KEARNEY T/S	0
MITCHELL/FINCH TRAFFIC SIGNAL	40,383
COFFEE/ORANGEBURG-LEFT TURNS	112,151
TOTAL CFF TRAFFIC SIGNAL PROGRESS	$4,654,272

FUND 141.04 FREEWAY 99 INTERCHANGES

CFF PROJECTS		% of Total
Total Cost of CFF Projects	**$13,711,593**	
Total Revenue Collected in this Fund	**$710,998**	**5.19%**
Total Expenditures on CFF Projects	**$0**	**0.00%**

CITY DEFICIENCIES
None

REVENUE

Year received	Fees	Interest	State Federal	Transfers In	Totals
1989-90	$84,378	$183	$0	$0	$84,561
1990-91	151,315	9,669	0	0	$160,984
1991-92	110,187	15,077	0	0	$125,264
1992-93	91,874	14,077	0	0	$105,951
1993-94	37,890	12,390	0	0	$50,280
1994-95	39,158	15,103	0	0	$54,261
1995-96	42,540	18,659	0	0	$61,199
1996-97	52,869	15,629	0	0	$68,498
TOTAL REVENUE	$610,211	$100,787	$0	$0	$710,998

EXPENDITURES

PROJECT DESCRIPTION			Project Costs	1987-97 Expenditures
SR 99 INTERCHANGES IMPROVEMENTS				
PELANDALE INTERCHANGE	50%	*	$2,585,379	$0
BECKWITH/STANDIFORD INTERCHANGE	100%		8,206,245	
CARPENTER/BRIGGSMORE INTERCHANGE	100%		811,863	
MAZE NORTHBOUND RAMP	100%		210,600	
I STREET RAMPS INTERSECTIONS	100%		128,466	
HATCH INTERCHANGE	33%	*	1,389,960	
SR 99 INTERCHANGES Prelim Planning Study	100%		210,600	
SR 99 INTERCHANGES Project Study Reports	100%		168,480	
			$13,711,593	$0

* County PFF 50%
** Ceres CFF 67%

PUBLIC TRANSPORTATION CAPITAL FACILITIES FEE - FUND 142

		% of Total
CFF PROJECTS		
Total Cost of CFF Projects:	**$2,993,300**	
Total Revenue Collected in this fund:	**$185,751**	**6.21%**
Total Expenditures on CFF Projects:	**$839**	
CITY DEFICIENCY		
Total Cost of Existing Deficiency Projects:	**$3,009,913**	
Total Expenditures on Deficiency Projects:	**$1,525,753**	**50.69%**

REVENUE

	Year Received	Revenue	Interest	Total
	1989-90	$25,782	$56	$25,838
	1990-91	44,313	3,207	47,520
	1991-92	22,829	4,908	27,737
	1992-93	26,446	4,777	31,223
	1993-94	10,444	5,613	16,057
	1994-95	7,291	8,368	15,659
	1995-96	10,936	10,782	21,717
	1996-97	14,287	3,386	17,673
Total Revenue		$148,041	$37,711	$185,751

Notes:
This fund was adopted with the Phase II CFF by resolution 89-1132 effective 1/20/90.
The Transit Center project was decreased by $534,506. Land was $315,967 now 0, and Construction was reduced from $318,539 to $100,000 in resolution 92-507 adopted and effective 9/8/92.

EXPENDITURES

Existing City Deficiencies

Project Description	Project Cost	City Expenditures
31 Buses (Local match only)	$3,068,928	$283,500
Transit Center (City share (48%) of local match for transit center)	693,464	1,242,253
Subtotal existing deficiency	$3,762,392	$1,525,753
20% reduction	(752,478)	0
Total Existing Deficiency	**$3,009,913**	**$1,525,753**

CFF Projects

Project Description	Project Cost	CFF Expenditures
33 Buses (Local match only)	$3,324,672	
Bus Shelters	183,222	
Bus Stops	133,731	
Transit Center Land (52% of local match) See Notes (above)	0	
Transit Center Construction (52% of local match) See Notes (above)	100,000	839
Subtotal CFF projects	$3,741,625	$839
20% reduction	(748,325)	0
Total CFF projects	**$2,993,300**	**$839**

AIR QUALITY CAPITAL FACILITIES FEE - FUND 143

		% of
CFF PROJECTS		**Total**
Total Cost of CFF Projects:	**$5,681,600**	
Total Revenue Collected in this fund:	**$388,775**	**6.84%**
Total Expenditures on CFF Projects:	**$294,509**	**5.18%**

CITY DEFICIENCY

No Existing Deficiency Projects

REVENUE

Year Received	Revenue	Interest	Total
1989-90	$64,457	$140	$64,597
1990-91	108,436	7,611	116,047
1991-92	54,037	8,796	62,833
1992-93	47,962	8,073	56,035
1993-94	17,610	9,418	27,028
1994-95	12,742	12,961	25,703
1995-96	20,435	16,097	36,532
1995-96	20,435	16,097	36,532
1996-97	26,749	13,501	40,250
Total Revenue	$325,678	$63,097	$388,775

EXPENDITURES

Project Description	Project Cost	Project Expenditures
Park and Ride Lots (4 @ $174,000)	$700,000	$114,653
Vanpooling/Carpooling	134,000	
Bike Path/Storage - Class 1 (30 miles @ $105,600)	3,168,000	$179,856
Bike Path/Storage - Class 2 (50 miles @ $39,000)	1,950,000	
Footpaths, Pedestrian Access (20 miles @ $35,000)	1,150,000	
Subtotal CFF Projects	$7,102,000	$294,509
Less 20% decrease	(1,420,400)	0
Total CFF Projects	$5,681,600	$294,509

MODESTO CITY COUNCIL
RESOLUTION NO. 98-6

Print

A RESOLUTION AUTHORIZING THE USE OF VERTICAL BANNERS INCLUDING LOCATION IN THE "I' STREET RIGHT-OF-WAY TO IDENTIFY THE ART LEAGUE FACILITY WITHIN THE MC HENRY MUSEUM BUILDING LOCATED AT 1402 "I" STREET IN THE CITY OF MODESTO.

WHEREAS, on November 17, 1997, by Resolution No. 97-15, the Landmark Preservation Commission of the City of Modesto approved an alteration to the McHenry Museum Landmark Site No. 2, to add signs identifying the Central California Art League, located at 1402 "I" Street, for reasons set forth in said Resolution No. 97-15, a copy of which is on file in the office of the City Clerk, and

WHEREAS, Article 21, of Chapter 2 of Title X provides for the regulation of signs in the City of Modesto, and Section 10-2.2104(b) of the Modesto Municipal Code defines signs, and Section 10-2.2104(b)(2) exempts directional, warning or informational signs authorized by federal, state or municipal authority or public utility, and

WHEREAS, on January 6, 1998, the City Council considered the request of the Central California Art League for authorization to use Vertical Banners including location in the "I" Street right-of-way to identify the Art League Facility within the McHenry Museum Building located at 1402 "I" Street,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Central California Art League is hereby authorized to use Vertical Banners including location in the "I" Street right-of-way to identify the Art League Facility within the

McHenry Museum Building located at 1402 "I" Street, said Vertical Banners being deemed informal signs pursuant to Section 10-2.2104(b)(2) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-7

Print

A RESOLUTION APPROVING ADDITIONAL ELEMENTS ON THE LIST OF RENOVATION PROJECTS SPECIFIED IN THE MERGER AGREEMENT BETWEEN THE HIGHWAY VILLAGE COMMUNITY SERVICES DISTRICT AND THE CITY OF MODESTO.

WHEREAS, in 1959, a Community Services District was formed for the Highway Village Neighborhood for the purpose of receiving land upon which a recreational community hall was built, and

WHEREAS, the City of Modesto and the Highway Village Community Services District entered into a Merger Agreement dated May 21, 1996, and

WHEREAS, the Merger Agreement specified certain park repair and renovation projects which would be completed with Community Service District and City funds, and

WHEREAS, at a community meeting to discuss the renovation plan, the attendees expressed a strong desire for additional projects to be included in the renovation, and

WHEREAS, after staff evaluation and subsequent discussion with representatives of the neighborhood, a small tot-lot and basketball court were added to the renovation plan, and for safety reasons, staff determined that re-routing overhead transmission lines bisecting the park would be advisable, and

WHEREAS, by a report to the Council dated January 13, 1998, a copy of which is on file in the office of the City Clerk, City staff has recommended that the $20,093 balance of the original $50,000 commitment be used toward the additional projects in the renovation plan for construction of a tot-lot and basketball court and relocation of overhead

transmission lines, and

WHEREAS, the Human Services Committee supported staff's recommendation with a suggestion that non-General Fund sources be evaluated for the balance of City funds to be used on this project,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby approves the addition of a tot-lot, basketball court, and relocation of overhead transmission lines to the list of renovation projects specified in the merger agreement between the Highway Village Community Service District and the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-8

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CHRIS LEE JOHNSON AND DEBBIE RENEE JOHNSON FOR THE CRISMON HOUSE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Chris Lee Johnson and Debbie Renee Johnson for the Crismon House be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-9

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ATMOSPHERICS INC. FOR THE USE OF A SMALL PARCEL OF LAND AT THE AIRPORT FOR WEATHER EQUIPMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Atmospherics Inc. for the use of a small parcel of land at the Airport for weather equipment be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-10

A RESOLUTION APPROVING AN AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR THE LEASE OF HANGAR 1 AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to lease agreement between the City of Modesto and the County of Stanislaus for the lease of Hangar 1 at the Modesto City/County Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

13

MODESTO CITY COUNCIL
RESOLUTION NO. 98-11

Print

A RESOLUTION CONVERTING BRET HARTE PLACE TO A ONE-WAY STREET, RESTATING ESTABLISHED ONE-WAY STREETS AND ALLEYS IN THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 89-551.

WHEREAS, Section 3-2.501 of Chapter 2 of Title III of the Modesto Municipal Code authorizes the City Council, by resolution to establish one-way streets and alleys in the City of Modesto, and

WHEREAS, in response to a recent request from the Principal of Bret Harte School, staff recommends that Bret Harte Place be converted to a one-way street to improve traffic flow and safety in front of the school, and

WHEREAS, said request to change Bret Harte Place to one-way westbound has been reviewed and approved by the Transportation Policy Committee, and

WHEREAS, City staff proposes to coordinate this action with the Stanislaus County Board of Supervisors to convert the north end of Guthrie Street to Frazier Street to one-way westbound from Bret Harte Place to the alley, as shown on the diagram, marked Exhibit "A" and attached hereto,

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

SECTION 1. ONE-WAY STREETS AND ALLEYS. One-way streets and alleys are hereby established at the following locations:

(a) **One-way Streets**:

5th Street, from Maze Boulevard to Sierra Drive
(southerly direction)

6th Street, from E Street to M Street
(northerly direction)

9th Street, (northeast portion), from Tully Road to Clayton Avenue
(northwesterly direction)

9th Street, (southwest portion), from Tully Road to Clayton Avenue
(southeasterly direction)

15th Street, from K Street to Needham Street
(northwesterly direction)

17th Street, from G Street to J Street
(southeasterly direction)

19th Street, from Burney Street to Downey Street
(northwesterly direction)

Briggsmore Avenue, (south portion), from Prescott Road to Oakdale Road (easterly direction)

Briggsmore Avenue, (north portion), from Prescott Road to Oakdale Road (westerly direction)

Burney Street, from G Street to Scenic Drive
(northerly direction)

Downey Avenue, from Burney Street to McHenry Avenue
(westerly direction)

First Street, from G Street to H Street
(southeasterly direction)

G Street, from First Street to Burney Street
(northeasterly direction)

Guthrie Street to Frazier Street, from Bret Harte Place to the alley (westerly direction)

H Street, from First Street to Burney Street (southwesterly direction)

Haddon Avenue, from La Loma Avenue to Santa Barbara Avenue (easterly direction)

K Street, from 9th Street tot Needham Street (northeasterly direction)

L Street, from 9th Street to Needham Street (northeasterly direction)

L Street, from 9th Street to Needham Street (southwesterly direction)

La Loma Avenue, from Burney Street to H Street (northwesterly direction)

Sycamore Avenue, (east portion), from Griswold Avenue to north side of Block 724 (northerly direction)

Sycamore Avenue, (west portion), from Griswold Avenue to north side of Block 724 (southerly direction)

(b) <u>One-way Alleys</u>:

Between 1st and 2nd Streets, from H Street to G Street (southeasterly direction)

Between 2nd and 3rd Streets, from Washington Street to I Street (southeasterly direction)

Between 9th and 10th Streets, from I Street to K Street (southeasterly direction)

Between 10th and 11th Streets, from I Street to J Street (northwesterly direction)

Between 10th and 11th Streets, from 100 feet northwest of J Street to K Street (northwesterly direction)

Between 11th and 12th Streets, from I Street to J Street (southeasterly direction)

Between 11th and 12th Streets, from J Street to K Street (northwesterly direction)

Between 12th and 13th Streets, from I Street to K Street (northwesterly direction)

Between Locke Road and Downey High School, from Coffee Road to Brighton Avenue (easterly direction)

Between Locke Road and Lucern Avenue, from 275 feet east of Coffee Road and Sunnyside Avenue (easterly direction)

Between College Avenue and TSRR Tracks, from Rumble Road to Leveland Lane (southerly direction)

Between June Drive and Timothy Avenue, from Briggsmore Avenue to Judith Lane (southerly direction)

Between McHenry Avenue and Sherwood Avenue, from 130 feet south of Leveland Lane to Leveland Lane (northerly direction)

Between McHenry Avenue and Timothy, beginning 136 feet north of Granger Avenue and continuing northerly 285 feet (northerly direction)

Between Sheridan Street and Chicago Avenue, from Hudson Lane to Paradise Road (southeasterly direction)

Between Sutter Avenue and Alturas Avenue, Tuolumne Boulevard and Western Way, from Alturas Avenue to Sutter Avenue (westerly direction)

SECTION 2. City staff is hereby authorized to coordinate this action with the Stanislaus County Board of Supervisors to convert the north end of Guthrie Street to Frazier Street to one-way westbound from Bret Harte Place to the Alley, as shown on the diagram attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. The provisions of this resolution shall become effective upon adoption and be in full force and operation when appropriate signs are in place giving notice of said designation to the public and/or when any necessary traffic control devices are implemented by the appropriate agency maintaining signs or traffic control devices within the jurisdiction of the City of Modesto, the County of Stanislaus or the Department of Transportation of the State of California.

SECTION 4. The Engineering and Transportation Director is hereby directed to implement the provisions of this resolution on behalf of the City of Modesto.

SECTION 5. Resolution No. 89-551 is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

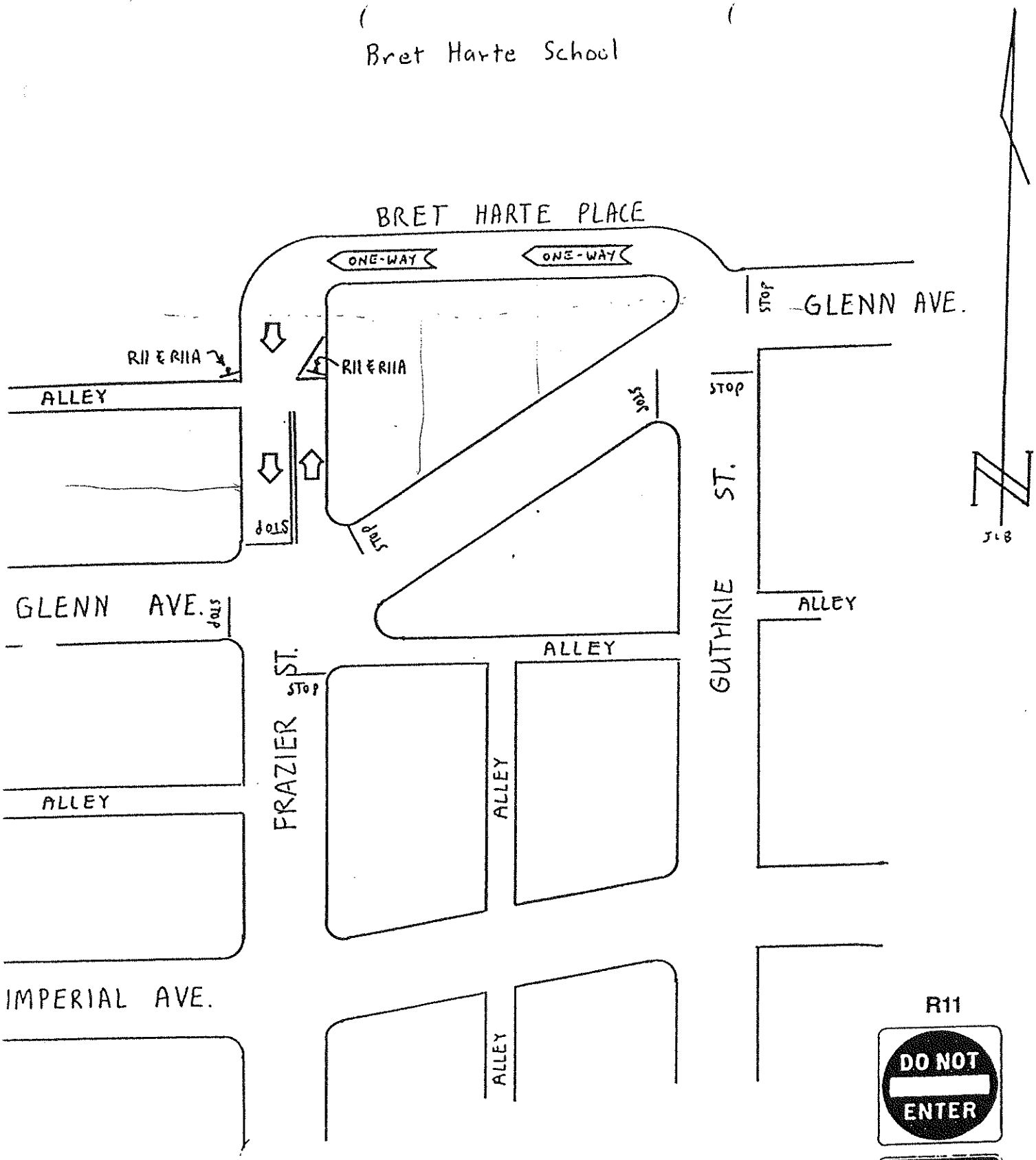
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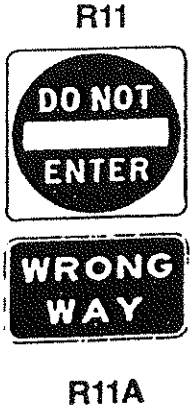
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Bret Harte School





R11A

Clerk 14

MODESTO CITY COUNCIL
RESOLUTION NO. 98-12

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE VILLAGE HIGHLANDS PHASE II SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Inland Village, a General Partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 11.94 acres, known as Village Highlands Phase II Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 27th day of November, 1995, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Village Highlands Phase II Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as

set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-13

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE SILVERADO AT THE VILLAGE PHASE II SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Jaguar/Sylvan Partners L.P., a California Limited Partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 8.21 acres, known as Silverado at the Village Phase II Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 10th day of February, 1997, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Silverado at the Village Phase II Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as

set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1997, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-14

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

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution

No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

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

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

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

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Industrial Waste Inspector I/II

Building Inspector I/II

Maintenance Mechanic - Parks

Water Distribution System Operator

The job specifications for the classification of Industrial Waste Inspector I/II, as shown on the attached Exhibit "A", Building Inspector I/II,as shown on the attached Exhibit "B", Maintenance Mechanic - Parks, as shown on the attached Exhibit "C", and Water Distribution System Operator, as shown on the attached Exhibit "D", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after January 6, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
No. 3266
No. 3265

January 1998

INDUSTRIAL WASTE INSPECTOR I
INDUSTRIAL WASTE INSPECTOR II

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

DEFINITION

To inspect, sample, monitor and regulate commercial and industrial facilities discharged within the City sewerage system for compliance with industrial waste permits; assess user charges and penalties for sewer service; and to act as liaison between the City and industrial dischargers.

DISTINGUISHING CHARACTERISTICS

INDUSTRIAL WASTE INSPECTOR I - This is the entry level class in the Industrial Waste Inspector series. This class is distinguished from the Industrial Waste Inspector II by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited related work experience.

Industrial Waste Inspector II - This is the full journey level class within the Industrial Waste Inspector series. Employees within this class are distinguished from the Industrial Waste Inspector I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Industrial Waste Inspector I

Receives immediate supervision from the Industrial Waste Supervisor.

Industrial Waste Inspector II

Receives general supervision from the Industrial Waste Supervisor.

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

Essential Functions:

Inspect, sample, and monitor flow of industrial dischargers within the City; gather, interpret and extrapolate information from industrial dischargers and various departments within the City to ensure compliance with Federal, State, local, and stormwater environmental discharge requirements.

Develop and issue industrial ground water and liquid waste hauler permits as needed.

Receive requests from industries for changes in discharge permits; compile information for issuance of industrial waste permits.

Act as a liaison between the City and industrial dischargers; develop communication with industries; inform them of inspection requirements; meet with industry personnel on permit violations; notify them of categorical standards, sludge and hazardous waste disposal practices, and stormwater requirements.

Monitor categorical liquid waste haulers; assist in the issuing and monitoring of permit holders who wish to discharge at the treatment plant.

Pick up and deliver samples of industrial discharge for laboratory testing and calculation of sewer billing.

Monitor industry flow to see that industrial pretreatment equipment is operating properly.

Monitor stormwater conveyance systems and water ways for compliance with NPDES requirements.

Advise industry on ways to achieve greater industrial waste control; make suggestions to industry on ways they benefit from efficient pretreatment processes.

Evaluate construction at industry sites to assure compliance with industrial waste permit; evaluate construction plans with actual construction to prevent unapproved changes.

Assist industry in proper reporting of tracking logs.

Conduct tours of treatment plant to industry personnel; educate industrial personnel of the operations of a sewage treatment plant.

Investigate complaints; keep records and prepare reports.
Calculate flow data from influent and effluent meters to assess hydraulic loading from each industry; read meters.

Essential Functions: (Continued)

Gather laboratory information from City and industries privately contracted labs.

Clean and maintain sampling units according to standard methods.

Prepare monthly billing records for industries.

May assist in the training of new staff.

Inspect industries according to EPA regulations.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Industrial Waste Inspector I

Knowledge of:

Process of sewage treatment.

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

Operation and maintenance of equipment used for the monitoring and control of industrial discharge, waste, and stormwater.

Procedures and materials used in chemical, biochemical and bacteriological laboratory tests and analysis.

Methods and techniques used in monitoring sewer and stormwater systems.

Uniform plumbing codes as they apply to grease traps and industrial wastewater.

Industrial processes producing waste to the waste stream.

Methods used in industrial waste control.

Sampling techniques and preservations.

Basic computer skills.

Industrial Waste Inspector I - (Continued)

Ability to:

Evaluate safety hazards.

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

Read and interpret blueprints.

Conduct inspections.

Gather, interpret and present data.

Establish effective relations with industry personnel.

Conduct field laboratory tests.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

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

Experience:

Three years of experience as a Wastewater Treatment Plant Operator OR one year experience as an Industrial Waste Inspector or Water Quality Laboratory Technician in a public agency.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in industrial waste inspection or a related field is desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Industrial Waste Inspector I (Continued)

License or Certificate (Continued)

A valid Grade II Wastewater Treatment Operator certificate as issued by the State of California is highly desirable.

Possession of a Grade I Industrial Waste Inspector Certificate issued by the California Water Environmental Association (CWEA), is required within 2 1/2 years of appointment. Failure to obtain said certificate will constitute grounds for termination.

Industrial Waste Inspector II

In addition to the qualifications for Industrial Waste Inspector I:

Experience:

Eighteen (18) months of experience as an Industrial Waste Inspector I with the City of Modesto, or two years experience as an Industrial Waste Inspector in a public agency.

License or Certificate

Possession of a Grade II Industrial Waste Inspector Certificate issued by the California Water Environmental Association is required within 4 1/2 years of appointment. Failure to obtain said certificate will be grounds for demotion to first-level Industrial Waste Inspector.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

CITY OF MODESTO
NO. 3236
NO. 3235

JANUARY 1998

BUILDING INSPECTOR I
BUILDING INSPECTOR II

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

DEFINITION

To perform a variety of residential building inspection duties at various stages of construction, alteration and repair; to maintain a variety of inspection related records; and to provide information and assistance to the public.

DISTINGUISHING CHARACTERISTICS

Building Inspector I - This is the entry level class in the Building Inspector series. This class is distinguished from the Building Inspector II by the performance of the more routine tasks and duties assigned to positions within the series including inspections and the issuance of permits. Since this class is typically used as a training class, employees may have only limited related work experience.

Building Inspector II - This is the full journey level class within the Building Inspector series. Employees within this class are distinguished from the Building Inspector I by the performance of the full range of duties as assigned including combination inspection (building, electrical, plumbing and mechanical). Employees at this level receive instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Building Inspector I

Receives general supervision from higher level inspection staff.

Building Inspector II

Receives general supervision from higher level inspection staff.

May exercise technical supervision over less experienced staff.

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

Essential Functions:

Make field inspections of building construction and its components in residential, commercial and industrial applications to assure compliance with applicable codes and regulations of City, State and Federal agencies.

Examine, evaluate and approve the construction of structural framing systems in compliance with Title 24, Title 25 and applicable fire, life and health and safety requirements.

Examine completed construction and general workmanship prior to occupancy.

Maintain plan files, progress reports and properly complete permit inspection records.

Investigate alleged violations of zoning ordinance and related policies.

Perform inspection duties in trade specialties such as plumbing, electrical and mechanical, structural and finish trade areas.

May perform necessary field work and/or issue permits for residential building, plumbing, mechanical and electrical code compliance and special inspection applications.

Inspect foundation, cement, framing, plastering, plumbing, heating, and electrical installations, and a large variety of other complex and routine building system elements for compliance with applicable codes and standards of workmanship.

Check stud, joist, rafter spacing and other structural member factors.

Examine grade, quality, and treatment of lumber, cement, lath, wire and composition.

Ensure proper and safe installation of routine and complex building systems.

Coordinate inspection activities with other City departments and divisions.

Essential Functions - (Continued)

Review plans, schedules and specifications for compliance with applicable codes and ordinances.

Ascertain conformance to Uniform Building Code, Plumbing and Electrical Codes, and pertinent provisions of State and County health and environmental ordinances.

Confer with architects, contractors, builders and the general public in the field and office; prepare correspondence as required.

Explain and interpret requirements and restrictions.

Recommend amendments to building, plumbing, mechanical and electrical codes.

Maintain detailed records and prepare reports.

Marginal Functions

Perform related duties as assigned.

QUALIFICATIONS

Building Inspector I

Knowledge of:

Accepted safety standards and methods of building construction.

Building related codes and ordinances enforceable by the City, including the Uniform Building, Electrical, Plumbing and Mechanical Codes.

Ability to:

Apply technical knowledge and follow proper inspection techniques to examine workmanship and materials, and detect deviations from plans, regulations, and standard construction practices.

Make appropriate decisions.

Learn to perform journey level inspection skills in a variety of specialty trade areas and to perform competent and efficient work as a combination Building Inspector.

Building Inspector I - (Continued)

Ability to: (Continued)

Enforce State and Municipal Codes under the jurisdiction of the department.

Read and interpret building plans, specifications, and building codes throughout the course of construction.

Understand and carry out oral and written directions.

Advise on standard construction methods and requirements.

Make arithmetical computations rapidly and accurately.

Communicate clearly and concisely, both orally and in writing.

Prepare precise written inspection correction lists and properly complete permit inspection records.

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

Enforce necessary regulations with firmness and tact.

Experience and Training Guidelines

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

Experience:

Four years of responsible construction experience equivalent to journey level in one of the following building trades: plumbing, electrical, carpentry, mechanical systems (heating, ventilation and air conditioning (HVAC)) or related field.

Training:

Equivalent to an Associate of Arts degree with major course work in Building Inspection Technology or a related field.

Building Inspector I - (Continued)

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of an International Conference of Building Officials (I.C.B.O.) certificate as a Certified Building Inspector is desirable.

Building Inspector II

In addition to the qualifications for Building Inspector I:

Knowledge of:

Principles and techniques of building inspection work.

Ability to:

Determine that construction systems conform to City Code requirements.

Apply City codes and policies regarding zoning, environmental matters, and other regulations to field situations.

Work independently with minimal supervision.

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:

A minimum of two years of responsible experience as a combination building inspector.

Training:

Equivalent to an Associate of Arts degree with major course work in Building Inspection Technology or a related field.

Building Inspector II - (Continued)

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of an International Conference of Building Officials (I.C.B.O.) certificate as a Certified Building Inspector is required at the time of appointment.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

CITY OF MODESTO
No. 6167

JANUARY, 1998

MAINTENANCE MECHANIC - PARKS

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

DEFINITION

To perform a variety of skilled maintenance work in parks, golf courses, and a variety of building facilities and structures.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Parks Construction Supervisor.

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

Essential Functions:

Install, maintain and repair sprinkler systems, repairing pipe, cleaning and repairing sprinkler heads, repairing leaking hand and hydraulic valves.

Inspect, repair and maintain park equipment including benches and playground equipment.

Repair screens, doors, sinks and toilets.

Paint buildings, picnic tables and a variety of other equipment.

Perform rough and finished carpentry work on City facilities.

Install pipes and plumbing fixtures; clear clogged drains.

Mix concrete; prepare forms and pour foundations.

Alter, repair, or construct articles and structures of wood, metal, concrete and other materials.

Install and repair wood, linoleum and tile flooring.

Design, build and install shelves; cabinets and lockers.

Construct, alter and install walls and partitions.

Essentials Functions: (Continued)

Perform maintenance on heating, air conditioning and ventilation systems.

Repair and install roofs and windows.

Install, test and repair backflow units.

Perform a variety of other building and recreation facility maintenance and repair tasks as required.

Complete forms, requisitions and work status reports.

May supervise helpers as assigned.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Tools, materials, equipment and procedures used in park and golf course maintenance work.

Operation of a wide variety of general construction and maintenance equipment.

Tools, materials, equipment and procedures used in carpentry, painting, plumbing work, masonry, metal work and welding.

Safe work practices.

Ability to:

Repair, install and maintain buildings, play apparatus, and sprinkler systems.

Use hand and power equipment in performing carpentry, concrete, painting and plumbing work.

Perform medium to heavy manual labor, including but not limited to, lifting and carrying 75 pounds of weight, climbing, bending, stooping, etc.

Perform safety checks on playground equipment.

Ability to: (Continued)

Learn procedures for acquiring supplies.

Understand and carry out oral and written instructions.

Read basic blueprints.

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:

Two years of semi-skilled maintenance experience in one or more of the following: carpentry, concrete, masonry, metal work, welding, painting and/or plumbing work.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance, supplemented by specialized training in one or more trades areas.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

CITY OF MODESTO
NO. 6703

January, 1998

WATER DISTRIBUTION SYSTEM OPERATOR

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

DEFINITION

Under general supervision, perform skilled and semi-skilled labor in the full range of assigned duties related to the Water Distribution System. This may include construction, maintenance, repair, and meter reading activities.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff. May exercise technical and functional supervision of other maintenance staff.

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

Essential Functions:

Lay and fit pipelines, make water line taps, install water services, fire hydrants, blow-offs, valves, meters, vaults, boxes, exercise valves, locate and mark services and mains for Underground Service Alert.

Flush water mains and services to maintain a safe, potable water system.

Respond to emergencies including flood, line breaks and overflows, and repair and restore system as required.

Respond to customer water problems including leaks, low water pressure, meter connects and disconnects, and unusual meter readings.

Collect water samples from wells, mains and services for lab testing.

Read and update water distribution maps and as-built plans and blueprints; analyze projected new routes.

Essential Functions: (Continued)

Identify and locate service and main leaks for heavy crews; operate pipe locators and gas-sensing equipment; install and inspect backflow devices; raise and maintain water meters above ground.

Excavate trenches and install shoring; back fill trenches with proper material to achieve correct compaction.

Operate construction equipment and power tools such as dump trucks, front end loaders, tampers, tap machines, pavement saw, cutting torch and welder.

Operate hand-held and office computers to enter and retrieve data; prepare written and computerized records and reports, and review reports for accuracy.

Install street barricades, cones, flags and standards prior to the performance of construction and repair activities; direct and control traffic around work sites.

Tactfully respond to requests and inquiries from customers of the water utility and from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

Perform work in emergency situations as required.

Perform on-call duties as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, techniques, and tools, and the operational characteristics of mechanical equipment used in the construction, maintenance and repair of water utility facilities and meters.

Methods and procedures used in monitoring water systems.

Knowledge of: (Continued)

Practices for collection of water samples.
Basic arithmetic principles.

Disinfection (chlorination) rules and regulations.

Safe work practices.

Ability to:

Perform skilled and semi-skilled maintenance, construction, and repair work in the area of work assigned.

Handle contaminated materials and equipment.

Identify equipment, tools and materials needed for each project.

Fabricate tools and equipment if needed for project.

Identify possible or potential sources of contamination and how to deal with it to ensure a safe water system.

Disassemble water meters, clean meter parts; reassemble meters; test and adjust meters; install and remove meters; check for proper operation of meters.

Perform heavy manual labor, including but not limited to lifting and carrying 100 pounds of weight, climbing, bending, stooping, etc.

Understand and follow oral and written instructions.

Work in confined areas.

Work in deep trenches and follow trenching and shoring safety standards.

Use and operate hand tools, mechanical equipment, power tools, and other equipment required for the work in a safe and efficient manner.

Read and interpret basic maps and blueprints.

Establish and maintain cooperative relationships with those contacted during the course of work.

Ability to: (Continued)

Maintain mental capacity which allows the capability of making sound decisions and demonstrating intellectual capabilities.

Maintain physical condition appropriate to the performance of assigned duties and responsibilities.

Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

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

Experience:

One year of increasingly responsible experience performing field maintenance duties. Work experience with a municipal or private water utility is highly desirable.

Training:

Equivalent to graduation from High School or possession of a G.E.D. certificate.

License or Certificate

Possession of an appropriate and valid California driver's license.

Grade I Water Distribution Operator Certificate issued by American Water Works Association.

Backflow Tester Certificate issued by American Water Works Association.

WORKING CONDITIONS:

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather; exposure to heavy traffic and other hazards in confined spaces with possible hazardous materials.

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to seventy-five (75) pounds of weight, maintaining physical condition necessary for walking, standing for long periods of time, crawling; operating motorized equipment and vehicles.

Work Assignment:

Must be willing to work overtime and off hours in emergency situations.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-15

A RESOLUTION APPOINTING EDWARD HAYDEN TO THE CULTURE COMMISSION

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

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

SECTION 1. Edward Hayden is hereby appointed to the Culture Commission, with a term expiration of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-16

A RESOLUTION APPOINTING CAROLYN FRASER TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. Carolyn Fraser is hereby appointed to the Human Relations Commission, with a term expiration of January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Human Relations 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 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-17

Print

A RESOLUTION ESTABLISHING THE HIGHWAY VILLAGE NEIGHBORHOOD PARK ADVISORY COUNCIL AND APPOINTING MEMBERS TO SAID ADVISORY COUNCIL.

WHEREAS, in 1959, a Community Services District was formed for the Highway Village Neighborhood for the purpose of receiving land upon which a recreational community hall was built, and

WHEREAS, the City of Modesto and the Highway Village Community Services District entered into a Merger Agreement dated May 21, 1996, and

WHEREAS, one of the stipulations of the Merger Agreement was to replace the former Highway Village Community Services District Board with an Advisory Council, and

WHEREAS, pursuant to the provisions of the Merger Agreement with the Highway Village Community Services District, the City Council has the authority to appoint members to the Advisory Council, and

WHEREAS, the Economic Development, Community and Intergovernmental Relations Committee met on December 11, 1997, and supported staff's recommendation to establish the Highway Village Park Advisory Council and to appoint Sylvia Poyorena, Shawn Gray and Ruth Moto to the Advisory Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Highway Village Park Advisory Council is hereby established as provided for in the Merger Agreement, as follows:

1. The Highway Village Park Advisory Council shall be composed of registered voters actually residing within the former boundaries of the Community Services District.

2. The Advisory Council may make recommendations with respect to park site activities.

3. The Advisory Council shall consist of five (5) members.

4. Each Member shall be appointed by the City Council for a four (4)-year term, with no individual permitted to serve more than a total of two (2) terms.

5. The Advisory Council shall be responsible for drafting its own by-laws, internal procedures and meeting schedule, subject to the requirements of Section 54950, et seq., of the California Government Code (the "Brown Act").

6. Reasonable assistance to the Advisory Council shall be provided by the Community Services and Neighborhood Department staff (formerly the Parks and Recreation Department), time and expense permitting.

BE IT FURTHER RESOLVED that Sylvia Poyorena, Shawn Gray and Ruth Moto are hereby appointed to the newly established Highway Village Neighborhood Park Advisory Council to serve a term of four (4) years each.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-18

A RESOLUTION REAPPOINTING DWIGHT BATEMAN TO THE AFFIRMATIVE ACTION COMMISSION

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

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

SECTION 1. Dwight Bateman is hereby reappointed to the Affirmative Action Commission, with a term expiration of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed member of the Affirmative Action Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-19

Print

A RESOLUTION REAPPOINTING GARRAD MARSH AND LARRY ERWIN TO THE BOARD OF ZONING ADJUSTMENT

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

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

SECTION 1. Garrad Marsh and Larry Erwin are hereby reappointed to Board of Zoning Adjustment, with term expirations of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-20

A RESOLUTION REAPPOINTING DYAN HAYES AND DAVID CHASE TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

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

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

SECTION 1. Dyan Hayes and David Chase are hereby reappointed to the Citizens Advisory Committee on Recycling, with term expirations of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Citizens Advisory Committee on Recycling, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-21

A RESOLUTION REAPPOINTING BART BARRINGER AND ROMY ANGLE TO THE DOWNTOWN IMPROVEMENT DISTRICT

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

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

SECTION 1. Bart Barringer and Romy Angle are hereby reappointed to the Downtown Improvement District, with term expirations of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Downtown Improvement District, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-22

A RESOLUTION REAPPOINTING LINDA MCELROY, JACK RECCA, AND JEAN SMITH TO THE GOLF COURSES ADVISORY COMMITTEE

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

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

SECTION 1. Linda McElroy, Jack Recca, and Jean Smith are hereby reappointed to the Golf Courses Advisory Committee, with term expirations of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Golf Courses Advisory Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-23

A RESOLUTION REAPPOINTING LOWELL CLARK AND LEE HAMPSON TO THE GREATER MODESTO COMMUNITY FOUNDATION

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

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

SECTION 1. Lowell Clark and Lee Hampson are hereby reappointed to the Greater Modesto Community Foundation, with term expirations of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Greater Modesto Community Foundation, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-24

A RESOLUTION REAPPOINTING FOREST HEATH TO THE LOCAL CABLE PROGRAMMING COMMITTEE

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

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

SECTION 1. Forest Heath is hereby reappointed to the Local Cable Programming Committee, with a term expiration of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed member of the Local Cable Programming Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Corrected 1/29/98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-25

Print

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM CHRIS AND PAULINE GIANULIAS AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (HILLGLEN DRIVE - VILLAGE I)

APN 77-09-46 (portion) (Gianulias)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to develop Hillglen Drive as part of the Village I Facilities Masterplan (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Sections 37350.5, 40404 and 66462.5 of the Government Code and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.050, 1240.110 and 1240.120 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council on the following matters:

Corrected 1/29/98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-25

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM CHRIS AND PAULINE GIANULIAS AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (HILLGLEN DRIVE - VILLAGE I)

APN 77-09-46 (portion) (Gianulias)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to develop Hillglen Drive as part of the Village I Facilities Masterplan (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Sections 37350.5 and 40404 of the Government Code and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.050, 1240.110 and 1240.120 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibits "A" and "B" is 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 or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

EXHIBIT "A"
LEGAL DESCRIPTION
ROAD DEDICATION

All that certain real property situate, lying and being in the City of Modesto, County of Stanislaus, State of California, described as follows:

Being all that portion of Parcel "B" as shown on the map filed the 31st day of January, 1966, in Book 1 of Parcel Maps, at Page 41, Stanislaus County Records, and described as follows:

BEGINNING at the Northeast corner of said Parcel "B", said point also being the southeast corner of Parcel 2, as shown on the map filed the 29th day of January, 1986, in Book 37 of Parcel Maps, at Page 75, Stanislaus County Records; thence along the easterly line of said Parcel "B", South 0°34'30" East 15.00 feet; thence parallel with and 15.00 feet distant southerly measured at right angles from the north line of said Parcel "B", North 89ª44'34" West 230.35 feet to the beginning of a curve concave to the south having a radius of 1985.00 feet and a central angle of 0ª30'37 whose radius point bears South 0ª15'26 West; thence in a westerly direction 17.68 feet along the arc of said curve; thence South 89ª44'49" West 290.97 feet to the beginning of a curve concave to the north having a radius of 2015.00 feet and a central angle of 0ª30'37 whose radius point bears North 0ª15'11 West; thence in a westerly direction 17.95 feet along the arc of said curve; thence North 89ª44'34" West 99.77 feet to the southerly prolongation of the westerly line of said Parcel 2 (37-p.m.-75); thence along said southerly prolongation of the westerly line of said Parcel 2, North 0ª37'08" West 17.75 feet to a point on the northerly line of said Parcel "B" (1-P.M.-41), said point also being the southwest corner of said Parcel 2 (37-P.M.-75),thence along the northerly line of said Parcel "B" South 89ª44'34" East 656.75 feet to the point of beginning;

containing 10574 Square feet or 0.24 acres more or less.

LICENSED LAND SURVEYOR
JIMMY G. BATEMAN
No. 4685
9/30/97
STATE OF CALIFORNIA

2b188900.b07
11-13-97

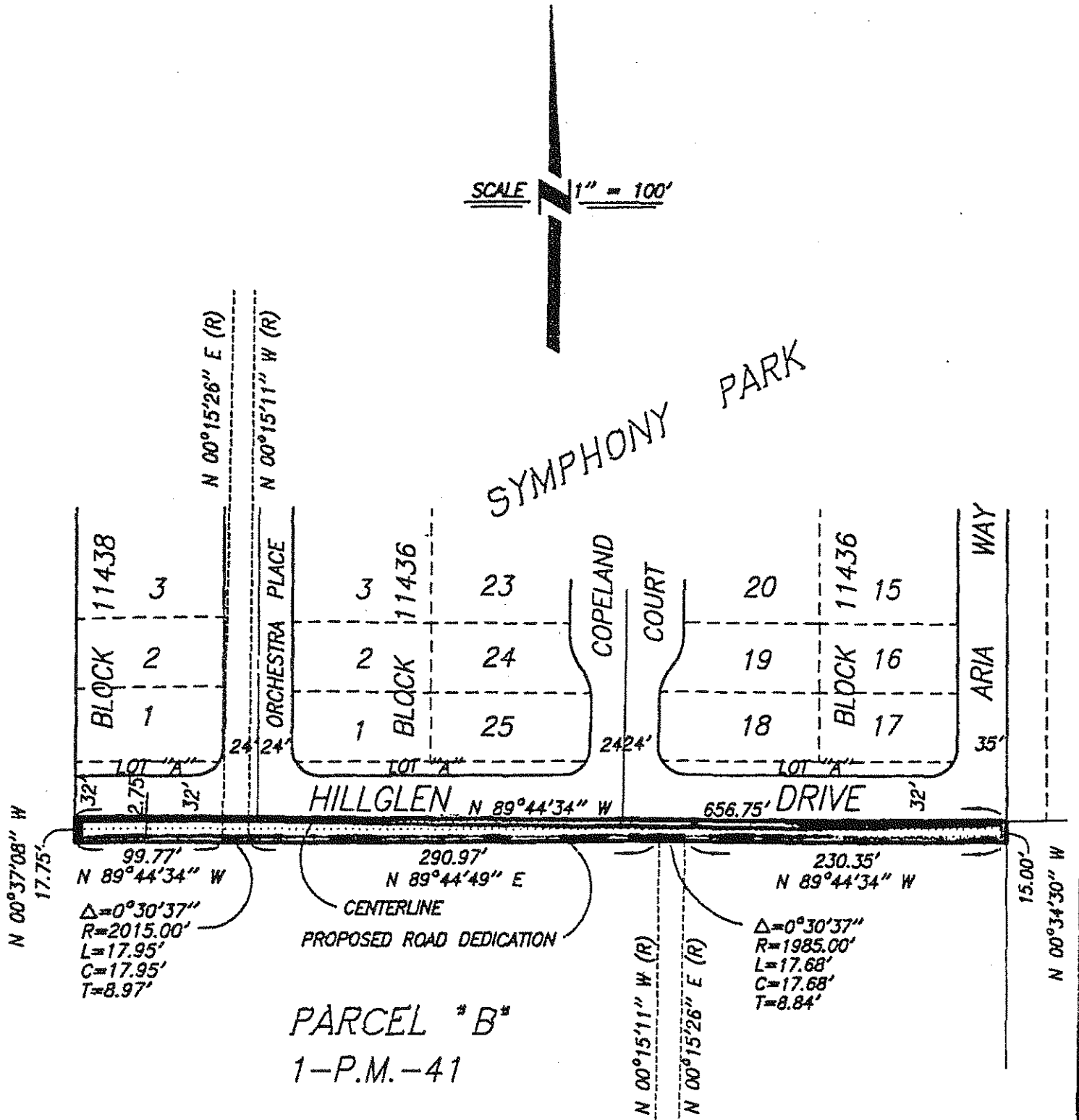


EXHIBIT "B"

THOMPSON-HYSELL ENGINEERS

PLAT TO ACCOMPANY LEGAL DESCRIPTION

BEING A PORTION OF PARCEL "B"

BY: J.G.B.

DATE: 11-14-97

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-26

A RESOLUTION AMENDING ATTACHMENT "D" TO RESOLUTION NO. 96-397 TO ESTABLISH REVISED RENTAL FEES FOR USE OF THE AUDITORIUM/KITCHEN AND CLASSROOMS AT THE MODESTO COMMUNITY SERVICE CENTER.

WHEREAS, the City of Modesto owns property located at 800 East Morris Avenue which is used as the Community Service Center, and

WHEREAS, in July, 1996, the City Council pursuant to Resolution No. 96-397 adopted fees for rental of the City-owned facilities available to the public, and

WHEREAS, pages 2, 3 and 4 of Attachment "D" to Resolution No. 96-397 established fees for the Modesto Community Service Center - Auditorium, Kitchen and Classrooms, and

WHEREAS, since that time several regular users of the Modesto Community Service Center have expressed concern over the high rental cost, and use of this facility has declined, and

WHEREAS, City staff has recommended a decrease in the rental fee of the auditorium/kitchen and classrooms at the Modesto Community Service Center, and

WHEREAS, consideration of said fees was set for a public hearing of the City Council to be held on January 13, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an amendment to pages 2, 3 and 4 of Attachment "D" to Resolution No. 96-397 to provide for the reduced rental fees of the auditorium, kitchen and classrooms at the Modesto Community Service Center, as set forth on Exhibit "A", attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 96-397 is hereby amended effective the date of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

MODESTO COMMUNITY SERVICE CENTER FEES

	Auditorium/ Kitchen	Classroom
Reservation Staff		
Salary - 4 hr @ $13.56 pr hr	$ 5.42	$ 5.42
Benefits @ 31%	$ 1.68	$ 1.68
Indirect cost @ 15% of salary	$ 0.81	$ 0.81
Custodial Service		
(based on cost per use)	$27.75	$12.78
Utilities		
(based on cost per use)	$24.17	$ 1.44
Liability & Property Insurance		
(based on cost per use)	$ 3.85	$ 0.81
Capital Reserve		
(based on cost per use)	$ 6.85	$ 0.81
Building Maintenance		
(based on cost per use)	$39.51	$ 6.53
TOTAL	$110.04	$30.28

RESCINDED
MAY 7 2013
Print
WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 2013-177

MODESTO CITY COUNCIL
RESOLUTION NO. 98-27

A RESOLUTION AMENDING RESOLUTION NO. 88-649, AS AMENDED, TO ALLOW ALL AFFORDABLE HOUSING DEVELOPERS TO APPLY AND BE CONSIDERED FOR CAPITAL FACILITIES FEES (CFF) DEFERRALS AND EXEMPTIONS, AND SUPERSEDING RESOLUTION NO. 97-122.

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging Capital Facilities Fees (CFF), and

WHEREAS, the current CFF are set forth in Resolution No. 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, and 97-122, and

WHEREAS, City staff has requested that Modesto City Council Resolution No. 88-649, as amended, be amended to allow for-profit developers to apply for and receive CFF exemptions for housing units that are affordable to low and moderate income households, and

WHEREAS, the City has identified in the City's Consolidated Plan development fees as a barrier to affordable housing, and adopted a policy (CFF Administrative Guideline 25) for relief of these fees as a strategy to assist in the development of affordable housing throughout the City, and

WHEREAS, by a report to the Council dated December 13, 1997, a copy of which is on file in the office of the City Clerk, the Community Development Department/Housing and Neighborhoods recommended amendments to Council Resolution

No. 88-649, as amended, to allow all affordable housing developers to apply and be considered for CFF deferrals and exemptions, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 4:00 p.m. on January 13, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Paragraph No. 3 of Resolution No. 88-649, as amended by Resolutions Nos. 89-373, 89-986, 89-1132, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, and 97-122, is hereby amended to read as follows:

3. EXEMPTIONS FROM AND DEFERRAL OF CAPITAL FACILITIES FEES.

(a) The Capital Facilities Fees established by this resolution shall not be imposed on any of the following:

(1) Any low-income housing units constructed or expanded by the Stanislaus County Housing Authority.

(2) Any very low-income housing units constructed or expanded by any other person or entity. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the units to be constructed or expanded are in fact very "low-income. As used in this subparagraph and the preceding subparagraph, the term "very low-income housing" shall mean: housing at rents affordable to households earning fifty percent (50%) or less of the Median Area Income as determined from time to time by the United States Department of Housing and Urban Development.

(3) For each use listed above for which the fee is calculated on the basis of the total number of square feet of building space, the area of public or private parking garages shall not be included in the area of building space for the purpose of calculating the capital facilities fee for that use. As used herein, the term "public parking garage" and the term "private parking garage" shall mean the same as those terms are defined in the Uniform Building Code.

(4) Any alteration or addition to a residential structure, except to the extent that additional units are created.

(5) Any replacement or reconstruction of a residential structure existing on November 21, 1989, that has been destroyed or demolished since that time.

(6) Any replacement or reconstruction of a non-residential structure existing on November 21, 1989, that has been destroyed or demolished since that time, unless the replacement or reconstruction increases the square footage of the structure, ten percent (10%) or more, changes the use of the structure to a higher density category, or will result in the generation of additional peak hour trip ends.

(7) Any replacement of an existing residential or non-residential structure that has been or will be vacated due to the fact that the title to the property has been acquired by a public entity through eminent domain proceedings or the threat of such proceedings provided that the building permit for the replacement structure or structures is applied for within two (2) years after the transfer of title or within two (2) years after the property has been vacated, whichever occurs last. The exemption granted by this subparagraph shall not apply to the replacement of a non-residential structure to the extent it adds additional square feet, the use is devoted to a higher density category, or results in the generation of additional peak hour trip ends or to the replacement of a residential structure to the extent additional units are created.

(8) Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph, the

term "single-family affordable housing unit" shall mean a single-family home purchased by a home buyer earning fifty-five percent (55%) or less of Median Area Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the home buyer as its principle place of residence. The home buyer would be granted a full CFF exemption provided there is no resale for ten (10) years. If a resale should occur within the ten (10)-year period, the full CFF exemption would be due, with no interest thereon. The exemption authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF exemption would be transferred to the home buyer at the time of purchase. The home buyer would be required to sign a CFF exemption agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

(b) Any alteration or change of use of an existing building shall not trigger the payment of capital facilities fees, provided no new dwelling units are created or no new square footage is added with non-residential structures. When an additional residential unit or new square footage for non-residential structures is created, capital facilities fees shall be due for the additional units or square footage only.

(c) Rather than paying capital facilities fees at the time a building permit is issued, the developer of a "qualified project" may elect to defer payment of all or a portion of those fees as hereinafter set forth.

(1) There shall be two (2) categories of qualified projects defined as follows:

(a) Category A qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same

ownership for which capital facilities fees exceed $150,000.00. Category A qualified projects shall also include any industrial/warehouse project on one parcel of land or a group f contiguous parcels under the same ownership for which capital facilities fees exceed $50,000.00.

(b) Category B qualified projects shall include any non-residential project (except industrial/warehouse projects but including hotel/motel projects) on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than $25,000.00 but less than $150,000.00. Category B qualified projects shall also include industrial warehouse projects on one parcel of land or a group of contiguous parcels under the same ownership for which capital facilities fees is more than $25,000.00 but less than $50,000.00.

(2) Other projects which may be designated by the City Council as "qualified projects", are private construction projects on the City/County Airport where the capital facilities fees exceed $5,000.00.

(3) The property owner and/or developer in the case of "Category A qualified projects" may enter into a Deferred Payment Agreement with the City to pay ten percent (10%) of those fees at the time the building permit is issued with the remaining ninety percent (90%) to be paid in equal installments over the next ten (10) years (or less at the property owner's option).

The property owner and/or developer in the case of "Category B qualified projects" may enter into a Deferred Payment Agreement with the City to pay twenty percent (20%) of those fees at the time the building permit is issued with the remaining eighty percent (80%) to be paid in equal installments over the next five (5) years (or less at the property owner's option).

The unpaid balance of the fees will be subject to interest and collection charges. The annual interest rate shall be equal to the Wall Street Journal Prime Rate adjusted thereafter semi-annually every July and January. Adequate security acceptable to the City in the form of an irrevocable letter of credit in an amount sufficient to secure both principal and interest shall be provided for the duration of the deferral. The terms and conditions of the deferral shall be set forth in an agreement which shall also provide that the unpaid balance of the fee shall be due and payable on the sale or transfer to the property. As an alternative to providing the irrevocable letter of credit, the agreement may, at the option of the property owner/developer, authorize the City to lien the property and collect the balance of the capital facilities fees due through property tax assessment.

(4) For those projects where a mitigated negative declaration or an EIR has been certified, no CFF deferral shall be allowed to the extent that one or more of the mitigation measures consists of payment of CFF or the construction or installation of a public improvement, the cost of which is eligible as a credit toward the payment of CFF.

(d) Rather than paying capital facilities fees at the time a building permit is issued for the construction of a single-family affordable housing unit, the developer may elect to defer payment of all or a portion of those fees on the following:

(1) Any single-family affordable housing unit constructed by any person or entity. As used in this subparagraph and the preceding subparagraph, the term "single-family affordable housing unit" shall mean a single-family home purchased by a home buyer earning between fifty-five percent (55%) and eight percent (80%) of Median Area Income as determined from time to time by the United States Department of Housing and Urban Development to be used by the home buyer as its principle place of residence. The home buyer would be granted a CFF deferral for five (5) years, with payments of principle and interest to begin in year six (6). Interest will not accrue during the deferral period, and the CFF would be paid

over a ten (10)-year period with a five percent (5%) interest rate on the unpaid balance. The deferral authorized by this subparagraph may be granted by the City Council on a case-by-case basis after a public hearing. The public hearing shall focus on whether or not the unit to be constructed would be a single-family affordable housing unit. If approved by the City Council, the benefit of the CFF deferral would be transferred to the home buyer at the time of purchase. The home buyer would be required to sign a CFF deferral agreement, promissory note, and City trust deed to secure the note, as prepared by the City Attorney.

BE IT FURTHER RESOLVED that Council Resolution No. 97-122 is hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-28

Print

A RESOLUTION GRANTING AN EXEMPTION TO CAPITAL FACILITIES FEES TO STANCO FOR A PROPOSED THREE-UNIT AFFORDABLE RENTAL HOUSING DEVELOPMENT LOCATED AT 1005 MAZE BOULEVARD, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXEMPTION AGREEMENT.

WHEREAS, STANCO, a nonprofit affordable housing developer, is seeking a Capital Facilities Fees (CFF) exemption of $7,245 ($2,415 per unit) for three very-low income rental units being developed at 1005 Maze Boulevard, near Emerald Avenue, in the City of Modesto, and

WHEREAS, CFF Administration Guideline No. 25 calls for residential exemptions and deferrals not to exceed 1,481 units, and

WHEREAS, residential exemptions and deferrals, including the current request, total 489 units, therefore, this request for exemption of CFF is considered to be in conformance with CFF Administrative Guideline No. 25, and

WHEREAS, Council Resolution No. 88-649, as amended, provides that an exemption to CFF may be granted for any low-income housing units constructed by nonprofit entities, following a public hearing, and

WHEREAS, said request was set for a public hearing of the City Council to be held at 7:00 p.m. on January 13, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held on the proposed matter,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby grants STANCO an exemption to the Capital Facilities Fees for a proposed three-unit affordable rental housing development at 1005 Maze Boulevard, as requested.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee, is hereby authorized to execute a Capital Facilities Fees Exemption Agreement with STANCO in relation to this matter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-29

Print

A RESOLUTION GRANTING AN EXEMPTION TO CAPITAL FACILITIES FEES TO ASHWOOD VILLAGE PARTNERS L.P. FOR 60 UNITS OF A PROPOSED 120 UNIT APARTMENT COMPLEX (ASHWOOD VILLAGE APARTMENTS) LOCATED AT THE SOUTHEAST CORNER OF RUMBLE ROAD AND LOU ANN DRIVE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXEMPTION AGREEMENT.

WHEREAS, by a letter received from Bill Zoslocki, Ashwood Village Partners L.P. (Sunrise Partners and Stanislaus County Affordable Housing Corporation (STANCO), both acting as General Partners) are seeking a Capital Facilities Fees (CFF) exemption for 60 very-low income apartment units in the proposed 120-unit Ashwood Village Apartment complex located at the southeast corner of Rumble Road and Lou Ann Drive, in the City of Modesto, and

WHEREAS, this request for exemption of CFF is considered to be in conformance with the Council's new policy to expand eligibility for CFF exemptions and deferrals to all affordable housing developers, following a public hearing, and

WHEREAS, said request was set for a public hearing of the City Council to be held at 7:00 p.m. on January 13, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held on the proposed matter,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby grants an exemption to the Capital Facilities Fees to Ashwood Village

Partners L.P. (Sunrise Partners and Stanislaus County Affordable Housing Corporation (STANCO), both acting as General Partners) for 60 units of a proposed 120-unit apartment complex (Ashwood Village Apartments) at the southeast corner of Rumble Road and Lou Ann Drive, as requested.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee, is hereby authorized to execute a Capital Facilities Fees Exemption Agreement with Ashwood Village Partners L.P. (Sunrise Partners and Stanislaus County Affordable Housing Corporation (STANCO), both acting as General Partners) in relation to this matter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-30

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING UNIFORMED SECURITY GUARD SERVICES FOR FISCAL YEAR 97/98

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing uniformed security guard services for FY 97/98, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 10, 1998 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-31

Print

A RESOLUTION ACCEPTING THE BID OF STONE-CHENEY CONSTRUCTION FOR THE PROJECT TITLED "CORPORATION YARD RESTROOM RESTORATION"

WHEREAS, the bids received for Corporation Yard Restroom Restoration were opened at 11:00 a.m. on December 19, 1997, and later tabulated by the Public Works and Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works and Transportation Director has recommended that the bid of $206,690.00 from Stone-Cheney Construction be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-32

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $22,000.00 TO FULLY FUND THE PROJECT TITLED "CORPORATION YARD RESTROOM RESTORATION"

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 720 480 H400 6040; $22,000

TO: 130 480 H391 6040; $22,000

The restroom project needs $22,000 to be fully funded. The additional funds are needed because of unanticipated structural work needed to support HVAC equipment and related design costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-33

Print

A RESOLUTION DECLARING A 1979 VAN PELT PUMPER TRUCK AND OUTDATED MISCELLANEOUS EQUIPMENT SURPLUS PROPERTY AND AUTHORIZING THE DONATION OF SAID 1979 VAN PELT PUMPER AND OUTDATED MISCELLANEOUS EQUIPMENT TO THE YOSEMITE COMMUNITY COLLEGE DISTRICT IN EXCHANGE FOR A 1964 VAN PELT PUMPER, AND DECLARING SAID 1964 VAN PELT PUMPER AND A 1967 VAN PELT 85-FOOT SNORKEL SURPLUS PROPERTY TO BE SOLD BY PUBLIC BID OR AUCTION.

WHEREAS, the Fire Department of the City of Modesto has a 1979 Van Pelt Pumper truck and outdated miscellaneous equipment which have become surplus property to the City's needs, and

WHEREAS, it has been recommended by Fire Department personnel that said 1979 Van Pelt Pumper truck and outdated miscellaneous equipment should be donated to the Yosemite Community College District in exchange for a 1964 Van Pelt Pumper, and

WHEREAS, the Fire Department is requesting that said 1964 Van Pelt Pumper and one 1967 Van Pelt 85-foot Snorkel be sold by public bid or auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, the Council of the City of Modesto desires to donate said surplus property as recommended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the 1979 Van Pelt Pumper and outdated miscellaneous equipment have become surplus property and the Council hereby authorizes the donation of

said 1979 Van Pelt Pumper and outdated miscellaneous equipment to the Yosemite Community College District in exchange for a 1964 Van Pelt Pumper

BE IT FURTHER RESOLVED that said 1964 Van Pelt Pumper received from Yosemite Community College District and a 1967 Van Pelt 85-foot Snorkel are surplus property to be sold by public bid or auction. The current agreement will be utilized, which was entered into on October 4, 1988, approved by Council Resolution No. 88-757, and which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-34

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE BLUFFS UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, The Bluffs Senior Housing Development, LLC, a California Limited Liability Company, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 12.54 acres, known as The Bluffs Unit No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 11th day of February, 1997, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said The Bluffs Unit No. 1 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts

determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Serpa, Mayor Lang

NOES: Councilmembers: Fisher, Friedman, Smith

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-35

Print

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A SIX-FOOT-WIDE PUBLIC WALKWAY CONNECTING LORD AVENUE WITH THE ADJACENT P-D(21) COMMERCIAL DEVELOPMENT AND LOCATED BETWEEN 3323 AND 3327 LORD AVENUE.

WHEREAS, the City Council has received and referred to the Planning Commission a request by Patricia Lundquist to vacate and abandon a six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the six-foot-wide walkway right-of-way in adjacent land owners who are proponents of the abandonment, and

WHEREAS, the proposed six-foot-wide walkway abandonment has been referred to the affected City departments and local utility companies, and no objection to the abandonment has been received, and

WHEREAS, notices of an informal public hearing to consider the request to vacate and abandon a six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue were posted in the area and said public hearing was held by the Planning Commission on December 1, 1997, and

WHEREAS, the Planning Commission by Resolution No. 97-96, adopted December 1, 1997, found and determined as follows:

1. That the abandonment of the walkway located between two residential lots at 3323 and 3327 Lord Avenue will tend to eliminate security problems and increase safety for the adjacent commercial office complex and residential neighborhood.

2. That Environmental Assessment, No. 97-137, judged this project to be categorically exempt under Sections 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities.

3. That the abandonment and vacation of the walkway is in conformance with the City of Modesto General Plan.

and

WHEREAS, the Planning Commission by said Resolution No. 97-96 recommended to the City Council the vacation and abandonment of a six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon a six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provisions of the

State of California Streets and Highway Code, Sections 8300-8363: Public Streets, Highways and Service Easements Vacation Law.

SECTION 3. Notice is hereby given that February 10, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in *The Modesto Bee*, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of a six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue, to be posted conspicuously at the entrance of the six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue, at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the public walkway proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Community Development Department
Development Services

OLD REPUBLIC TITLE COMPANY

ORDER NO. 501154-CG
FIRST AMENDED REPORT

The land referred to in this Report is situated in the County of Stanislaus, City of Modesto State of California, and is described as follows:

That certain 6 foot walk, being a portion of Block 13129, Map of Tully Manor No. 2, according to the Official Map or Plat thereof filed for record April 28, 1965 in Volume 21 of Maps and Plats, at Page 8, Stanislaus County Records, which lies South and contiguous to the South line of Lot 1, and which lies North and contiguous to the North line of Lot 7 of said Tully Manor No. 2.

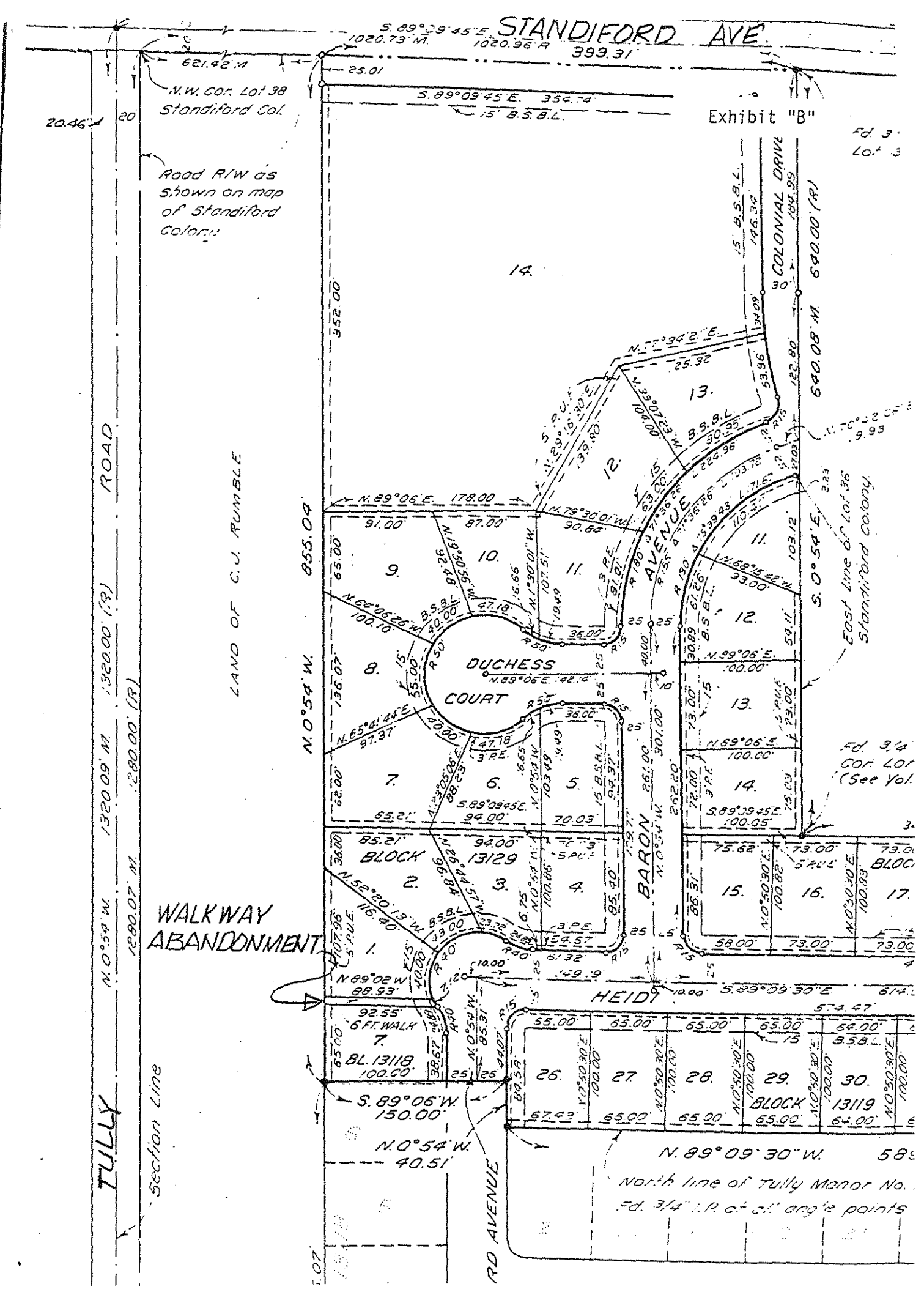
At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and Special, for the fiscal year 1997 - 1998 a lien, but not yet due or payable.

2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

3. An easement for public walk purposes over the land herein described, as dedicated to and for the public use, and accepted by the City Council of the City of Modesto, County of Stanislaus, by the Map of Tully Manor No. 2 herein described.

4. Private easements for ingress and egress to and from the 6 foot walk, in favor of the owners of other lots on the map herein referred to, such easements having been acquired under conveyance of lots by reference to said map.


STANDIFORD AVE.
Exhibit "B"
N.W. cor. Lot 38 Standiford Col.
Road R/W as shown on map of Standiford Colony
TULLY ROAD
Section Line
LAND OF C.J. RUMBLE
DUCHESS COURT
BARON AVENUE
COLONIAL DRIVE
WALKWAY ABANDONMENT
BLOCK 13129
BLOCK 13118
BLOCK 13119
HEIDT
RD AVENUE
East line of Lot 36 Standiford Colony
North line of Tully Manor No.
Fd. 3/4" I.P. at all angle points
6 FT. WALK
S. 89°09'45" E. 1020.96 R
S. 89°09'45" E. 354.74
N. 0°54' W. 1320.09' M.
N. 0°54' W. 1280.07' M.
N. 0°54' W. 1280.00' (R)
S. 89°06' W. 150.00'
N. 0°54' W. 40.51'
N. 89°09'30" W.
S. 89°09'30" E.
N. 89°06' E. 178.00
S. 0°54' E. 640.08' M
640.00' (R)
399.31'
621.42' M
20.46'
855.04'
352.00'
136.07'
262.20'
301.00'
261.00'
1020.73' M.
25.01
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RESOLUTION OF INTENTION TO VACATE AND ABANDON

File 16.5-2

2	Clerk
2	Attorney
1	Parks & Recreation
1	Public Works
1	Engineering Services
1	Planning
1	Fire
1	Police
1	Modesto Bee
1	MID
1	PG&E
1	Pacific Bell
1	Del Este Water Co.
15	

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

~~Pacific Bell~~
~~Attn: Subdivision Engineer~~
~~410 S. Tully Road, Suite A~~
~~Turlock, CA 95380~~

PACIFIC BELL ENGINEERING
ATTN HELEN HOSKINS
44 WEST YOKUTS
STOCKTON CA 95207

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-36

Print

A RESOLUTION OF INTENTION TO VACATE AND ABANDON ALLEYS AND RESERVE UTILITY EASEMENTS FOR PUBLIC UTILITY SERVICE LINES LOCATED IN BLOCK 451 OF THE CITY OF MODESTO TO FACILITATE EXPANSION AND ADDITION OF BUILDINGS AND PARKING AREAS SERVING EMANUEL LUTHERAN CHURCH, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF COLLEGE AND STODDARD AVENUES AT 324 COLLEGE AVENUE.

WHEREAS, the City Council has received and referred to the Planning Commission a request by Emanuel Lutheran Church to vacate and abandon alleys and reserve utility easements for public utility service lines located in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the alleys in Block 451 in the adjacent land owner who is the proponent of the abandonment, and

WHEREAS, the proposed alley abandonments have been referred to the affected City departments and local utility companies, and no objection to the abandonments have been received, and

WHEREAS, notices of an informal public hearing to consider the request to vacate and abandon alleys and reserve utility easements for public utility service lines located in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and

parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue were posted in the area and said public hearing was held by the Planning Commission on November 3, 1997, and

WHEREAS, the Planning Commission by Resolution No. 97-83, adopted November 3, 1997, found and determined as follows:

1. That the alley right-of-way in the block bound by College and Stoddard Avenues and the Tidewater Southern Railroad right-of-way is unnecessary for present or future public use, since the Emanuel Lutheran Church facility will occupy the entire block.

2. That utility easements will remain in place to serve water and storm sewer lines and that the proposed expanded church facility will have no buildings within utility easements.

3. That Environmental Assessment No. 97-125 judged this project to be categorically exempt under Sections 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities.

3. That the abandonment and vacation of the alley right-of-way is in conformance with the City of Modesto General Plan.

and

WHEREAS, the Planning Commission by said Resolution No. 97-83 recommended to the City Council the vacation and abandonment of alleys and reservation of utility easements for public utility service lines located in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue, subject to the following condition:

That those portions of the alleys to be abandoned which contain public utilities shall be retained as easements.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon alleys and reserve utility easements for public utility service lines located in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue, subject to the condition recommended by the Planning Commission and hereinabove set forth. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provisions of the State of California Streets and Highway Code, Sections 8300-8363: Public Streets, Highways and Service Easements Vacation Law.

SECTION 3. Notice is hereby given that February 10, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in *The Modesto Bee*, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of alleys and reservation of utility easements for public utility service lines located in Block 451 of the City of Modesto to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue, to be posted conspicuously at the entrance of each alley and mid-block at Block 451 , at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the public walkway proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

EXHIBIT "A"

mid-valley engineering
A Professional Corporation
Land Planning • Engineering • Surveying
900 "H" Street, Suite G • Modesto, CA 95354 • (209) 526-4214 • FAX (209) 526-0803

November 20, 1997
Job No. 70-838

LEGAL DESCRIPTION TO ACCOMMODATE ABANDONMENT OF ALLEYS AND ROADS (EMANUEL LUTHERAN CHURCH)

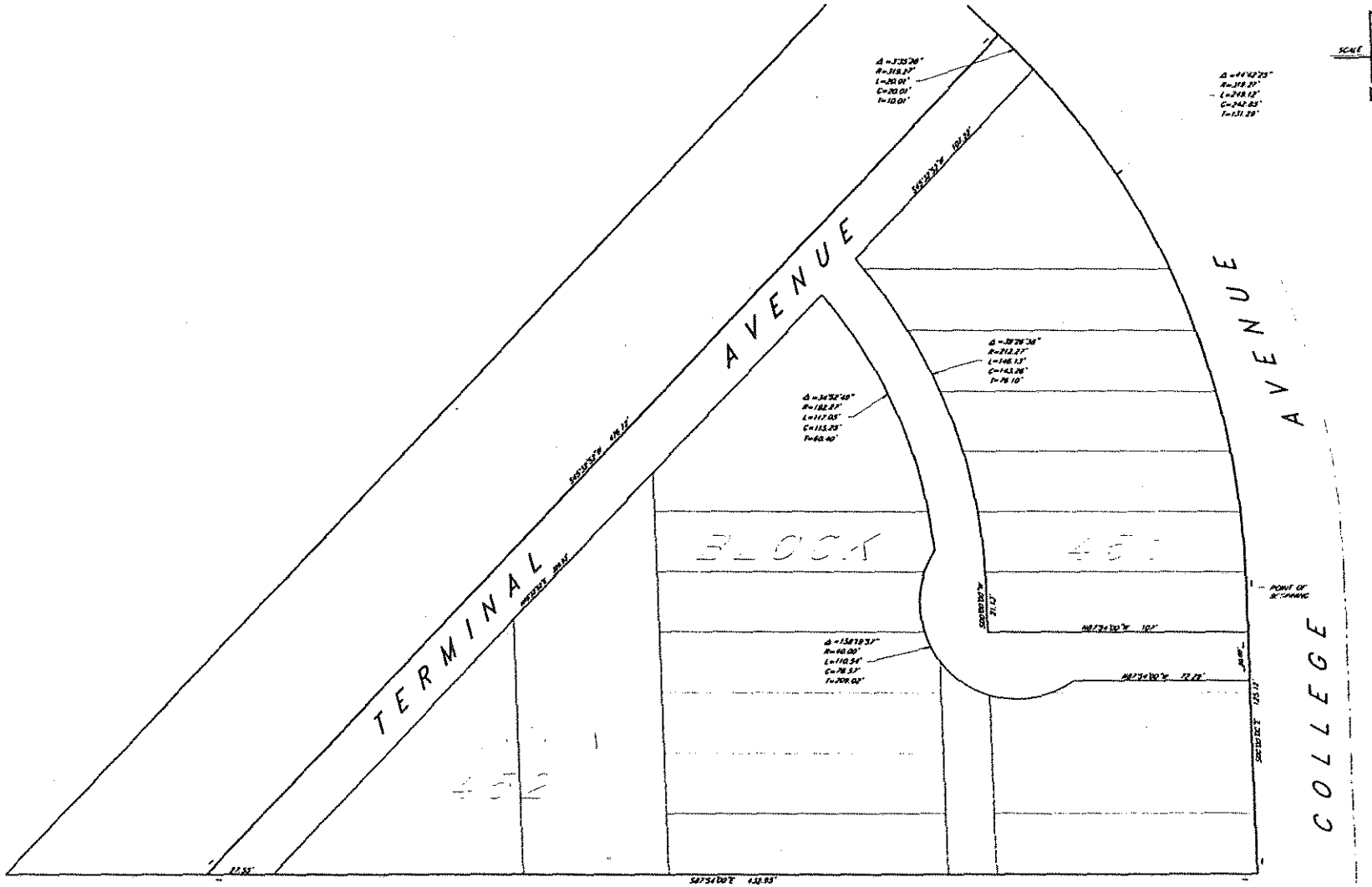
ALL that certain real property situate in a portion of the Northwest quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of LOT 15 of Block 451 of the City of Modesto, as shown on the map filed in Volume 15 of maps, Stanislaus County Records; thence along the West line of said Lot 15, North, a distance of 20.00 feet; thence along a line parallel to the South line of said Lot 15, South 87°54' East, a distance of 72.29 feet to the beginning of a curve from which a radial line bears South 33°45'36" East, said curve having a radius of 40.00 feet and a central angle of 158°19'57"; thence Southeasterly along the arc of said curve, a distance of 110.54 feet to point on the East line of the alley in said Block 451, said point being the beginning of a non-tangent reverse curve from which a radial line bears North 85°57'27" East, said curve having a radius of 192.27 feet and a central angle of 34°52'49", thence Southeasterly along said reverse curve, a distance of 117.05 feet to a point on the Northerly line of the 20.00 foot wide Terminal Avenue in said Block 451; thence Northeasterly along said Northerly line of Terminal Avenue of said Block 451 and Block 452 of the City of Modesto, as shown on the map filed in Volume 15 of Maps, Stanislaus County Records; North 45°32'52" East, a distance of 329.93 feet to the Northeast corner of said Block 452, said point also lying on the South line of Stoddard Avenue in said Block 452; thence South 87°54' East, along said South line of Stoddard Avenue, a distance of 27.55 feet to a point on the Southerly line of said Terminal Avenue; thence South 45°32'52" West along said southerly line of Terminal Avenue, a distance of 476.72 feet to a point on the East line of College Avenue in said Block 451; said point lies on a curve from which a radial line bears North 45°17'35" East; said curve having a radius of 319.27 feet and a central angle of 03°35'28"; thence Northwesterly along the arc of said curve, a distance of 20.01 feet to the Northerly line of said Terminal Avenue; thence North 45°32'52" East along said Northerly line of Terminal Avenue, a distance of 107.22 feet to a point on the West line of said alley in Block 451, said point lies on a curve from which a radial line bears North 50°33'22" East; said curve having a radius of 212.27 feet and a central angle of 39°26'38"; thence Northwesterly along the arc of said curve, a distance of 146.13 feet to the point of tangency with a line which bears North; thence continuing along said West line of the alley in Block 451, a distance of 21.13 feet to the Southeast corner of said LOT 15; thence North 87°54' West along the South line of said LOT 15, a distance of 107.00 feet to the POINT OF BEGINNING of this description.

Containing 15,515 square feet (0.36 acres), more or less

PROFESSIONAL LAND SURVEYOR
CROLIE E LINDSAY, JR.
NO. 4709
EXP. 09/30/99
STATE OF CALIFORNIA

Crolie Lindsay



mid-valley engineering

LAND PLANNING ENGINEERING & SURVEYING

900 H STREET, SUITE G
MODESTO, CALIFORNIA, 95354

(209) 526-4314
FAX 526-0803

PLAT TO ACCOMPANY LEGAL DESCRIPTION

EMANUEL LUTHERAN CHURCH

MODESTO CALIFORNIA

Drawn MILLER
Date 11/24/97
Scale 1" = 20'
Job No. 70-038
Checked ROD H.
Dwg. A38X10E
File No.

SHEET 1 OF 2

EXHIBIT "B"

RESOLUTION OF INTENTION TO VACATE AND ABANDON

File 16.5-2

2	Clerk
2	Attorney
1	Parks & Recreation
1	Public Works
1	Engineering Services
1	Planning
1	Fire
1	Police
1	Modesto Bee
1	MID
1	PG&E
1	Pacific Bell
1	Del Este Water Co.
15	

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell
Attn: Subdivision Engineer
410 S. Tully Road, Suite A
Turlock, CA 95380

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-37

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

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the fourth amendment to lease agreement between the City of Modesto and Modesto Executive Air Charter for the lease of corporate plots 3, 4, and 5 at the Modesto City/County Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to lease agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-38

Print

A RESOLUTION AUTHORIZING STAFF TO SUBMIT AN APPLICATION TO THE FEDERAL SMALL BUSINESS ADMINISTRATION FOR $20,000.00 IN GRANT FUNDING FOR TREE PLANTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS RELATING TO SAID APPLICATION.

WHEREAS, the City of Modesto ("City") has been notified that grant funding is available from the Federal Small Business Administration ("SBA") in a maximum amount of $20,000.00; and

WHEREAS, all activities must be conducted with small businesses, and

WHEREAS, the City proposes to purchase 400 trees and to contract with a local nursery for the planting of said trees in areas of the City where replants are needed due to tree failure, vandalism or tree removal, and

WHEREAS, the SBA requires that the City match 37% of the grant amount, City to contribute $12,607.53 toward in-kind services through salaries, benefits, equipment and other related cost, and the City's matching amount is already budgeted, and

WHEREAS, the City's matching amount will provide for three years of maintenance, watering, supervision, replacement of trees where necessary and provision of tree care brochures to property owners,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute all documents necessary for submittal of a grant application to the SBA for a grant in the amount of $20,000.00 for tree planting

purposes.

BE IT FURTHER RESOLVED that said Funds shall be used to purchase 400 trees and to contract with a local nursery for the planting of said trees in areas of the City where replants are needed due to tree failure, vandalism or tree removal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-39

A RESOLUTION ACCEPTING THE PROJECT TITLED "CABLE REPLACEMENT - FEDERAL AVIATION ADMINISTRATION PROJECT NO. AIP 3-06-0153-18" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Cable Replacement - Federal Aviation Administration Project No. AIP 3-06-0153-18, has been completed by Power Providers, in accordance with the contract agreement dated September 24, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Cable Replacement - Federal Aviation Administration Project No. AIP 3-06-01530-18 be accepted from said contractor, Power Providers; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $57,846.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-40

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A ONE-TON TRUCK WITH UTILITY BODY AND ONE VAN FROM MAITA CHEVROLET; THREE ELECTRIC VEHICLES FROM CENTRAL VALLEY GOLF AND UTILITY; ONE PACKER TRUCK FROM F.B. HART; ONE TRACTOR FROM GARTON FORD TRACTOR; AND THREE LOADERS FROM GCS WESTERN POWER

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of a one-ton truck with utility body and one van from Maita Chevrolet; three electric vehicles from Central Valley Golf and Utility; one packer truck from F.B. Hart; one tractor from Garton Ford Tractor; and three loaders from GCS Western Power is hereby waived.

BE IT FURTHER RESOLVED that purchase of a one-ton truck with utility body, one van, three electric vehicles, one packer truck, one tractor and three loaders from various vendors for a not to exceed price of $389,814.85.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-41

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO TRANSFER FUNDS FROM THE WATER DIVISION FUND TO FLEET EQUIPMENT REPLACEMENT FUND

WHEREAS, various vehicles have reached the end of their useful and economically serviceable life and are being replaced; and

WHEREAS, $18,000 was originally budgeted for an additional ½ ton pickup. It has been determined that a 1-ton pickup truck is required at an additional cost of $8,396.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
Account #720-700-7000-9610	$ 8,396
Expenditure	
Account #610-480-5012-0360	$(8,396)
Account #720-480-5814-5959	8,396
Account #610-700-7000-7720	8,396

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-42

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE PIERCE SABER PUMPER FROM PIERCE MANUFACTURING

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one Pierce Saber pumper is hereby waived.

BE IT FURTHER RESOLVED that purchase of one Pierce Saber for a not to exceed price of $277,219.70 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-43

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR THE LEASE PURCHASE OF ONE PIERCE SABER PUMPER FROM PIERCE MANUFACTURING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Statewide Communities Development Authority for the lease purchase of one Pierce Saber Pumper from Pierce Manufacturing for a not to exceed price of $277,219.70 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-44

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE A CIP IN THE AMOUNT OF $277,219.70 INTO THE SPECIAL FUND FOR CAPITAL OUTLAY AND ESTIMATE OFFSETTING LEASE PAYMENT PROCEEDS REVENUE

WHEREAS, a lease purchase has been authorized in the amount of $277,219.70 for one Pierce Saber pumper; and

WHEREAS, we are utilizing the Kern County contract to get price breaks from Golden State Fire Apparatus.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expenditure Account #130-180-J6070	$277,220
Revenue Account #130-510-9510-8301	$277,220

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-45

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY HOUSING AUTHORITY FOR SPECIAL POLICE SERVICES TO THE WESTVIEW GARDENS HOUSING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Housing Authority for special police services to the Westview Gardens housing project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-46

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MINAGAR & ASSOCIATES FOR CONSULTING SERVICES FOR THE CITY OF MODESTO DOWNTOWN TRAFFIC SIGNAL RETIMING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Minagar & Associates for consulting services for the City of Modesto Downtown Traffic Signal Retiming Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-47

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO TRANSFER PROJECT FUNDING TO VARIOUS ACCOUNTS

WHEREAS, staff has a contract with Minagar & Associates to collect traffic count data and retiming of 68 traffic signals in Modesto downtown area; and

WHEREAS, staff received Federal funding which shall provide $65,000 for this project. A separate account (#141-160-H981) was created for this project; however, the new account should have been in a General Fund category instead of CFF category; and

WHEREAS, a request from the Chamber of Commerce to evaluate traffic counts on J Street has initiated adding this additional task to the traffic signal retiming project. These funds will be appropriated from an unused fund amount of $6,500 from a restriping project to cover the additional cost of evaluating the Chamber's proposal.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
#070-700-7000-9141	$ 65,000
Expenditure	
#141-160-H981-6040	$(65,000)
#070-160-J994-6040	65,000
#141-700-7000-7070	65,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-48

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $6,500.00 TO FULLY FUND THE PROJECT TITLED "CITY OF MODESTO DOWNTOWN TRAFFIC SIGNAL RETIMING"

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 070-160-D286 6010, $2,500
070-160-D286 6040, $2,000
070-160-D286 6050, $2,000

TO: 070-160-J994 6040, $6,500

This project is a CMAQ funded project with a 100% reimbursement from Federal and State funds. The additional funds are needed to study the capacity of J Street in connection with the Tenth Street Place project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-49

Print

A RESOLUTION REAPPOINTING ROD DECRISTOFARO TO THE PLANNING COMMISSION

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

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

SECTION 1. Rod DeCristofaro is hereby reappointed to the Planning Commission, with an expiration date of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed member of the Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-50

A RESOLUTION REAPPOINTING DAN THAYER TO THE PLANNING COMMISSION

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

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

SECTION 1. Dan Thayer is hereby reappointed to the Planning Commission, with an expiration date of January 1, 2002.

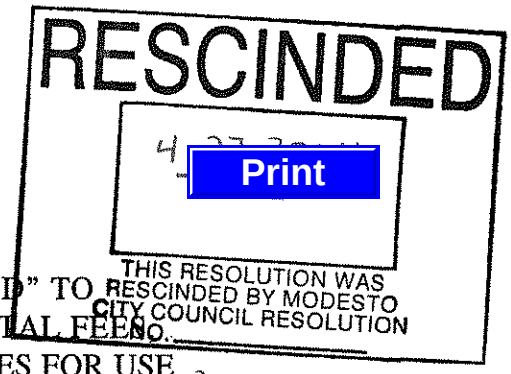
SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed member of the Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 98-51

A RESOLUTION AMENDING ATTACHMENT "D" TO RESOLUTION NO. 96-397 TO ESTABLISH RENTAL FEES, USAGE POLICIES AND BOOKING PROCEDURES FOR USE OF JOHN THURMAN FIELD.

WHEREAS, from time to time, the City receives requests for permission to use John Thurman Field, and

WHEREAS, Section 12-3.03 of the Modesto Municipal Code authorizes the Council by resolution to control and regulate the use of John Thurman Field, and

WHEREAS, in July, 1996, the City Council pursuant to Resolution No. 96-397 adopted fees for rental of the City-owned facilities available to the public, and said resolution has been amended by Resolution No. 98-26, and

WHEREAS, page 12 of Attachment "D" to Resolution No. 96-397, as amended, established fees for John Thurman Field, and

WHEREAS, since that time John Thurman Field has had a complete renovation, and

WHEREAS, City staff is proposing a new set of rental fees that is more appropriate for the new John Thurman Field, and

WHEREAS, City staff is also proposing usage policies and booking procedures for the new John Thurman Field, and

WHEREAS, consideration of said fees, usage policies and booking procedures was set for a public hearing of the City Council to be held on January 27, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider said fees, usage policies and booking procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an amendment to page 12 of Attachment "D" to Resolution No. 96-397, as amended, to provide for a new set of rental fees that is more appropriate for the new John Thurman Field as set forth on Exhibit "A", attached hereto and incorporated herein by reference. All other rates and charges set forth on page 12 of Attachment "D" to Resolution 96-397, not in conflict with this resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED that the Council hereby approves usage policies and booking procedures for the new John Thurman Field as set forth on Exhibits "B" and "C", attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 96-397 is hereby amended effective the date of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

John Thurman Field
City of Modesto
Proposed
Rental Rates

			Private			Non-Profit			Rehearsal	
	Square Feet	Capacity	Rent	Cost Per Person	Cost Per Sq. Ft	Rent	Cost Per Person	Cost Per Sq. Ft	Private	Non-Profit
Full Stadium		3,850	2,000	0.52	NA	1,400	0.36	NA	1,000	700
Baseball			NA	NA	NA	650	0.35	NA		
Neese Picnic	7,550	540	425	0.79	0.06	300	0.56	0.04	210	150
Neese Concourse	13,000	940	735	0.78	0.06	515	0.55	0.04	370	260
Sunset Picnic	6,350	450	425	0.94	0.07	300	0.67	0.05	210	150
Sunset Concourse	11,200	800	735	0.92	0.07	515	0.64	0.05	370	260
Half Concourse	20,550	1,480	1,000	0.68	0.05	700	0.47	0.03	500	350
Entire Concourse	38,100	2,730	1,500	0.55	0.04	1,050	0.38	0.03	750	525
Parking			$3.00 per vehicle			No Charge				

1. Those holding ticketed events will be charged the listed rental rate or 10% of gross ticket sales, whichever is greater.

2. Non-profit baseball games will be charged $650 flat rent plus $0.35 per person in attendance.

EXHIBIT "B"

City of Modesto
Community Services and Neighborhood Connections Department
Public Assembly Facilities Division

John Thurman Field
DRAFT USAGE POLICIES

GENERAL INFORMATION

No person may use John Thurman Field without first having obtained a written license. Parties to license and use negotiations with John Thurman Field must be legally qualified to execute binding contracts. Licensee shall not conduct within or upon the premises any other operations except those described in the license unless prior written consent of the City of Modesto is given. Licensee, its officers, agents, and employees shall comply with all rules and regulations, laws, and ordinances adopted or established, from time to time, by any governmental agent or department thereof.

1. Rates and Services

Rates for the rental of John Thurman Field shall be indicated in the rate schedule. These rates are adjusted periodically to reflect the Mission Statement and budgetary goals for John Thurman Field. Changes in the schedule of rates for John Thurman Field are approved by the Modesto City Council.

The rental rate schedule states the maximum rentals to be collected by the stadium management. These rates will be charged to all stadium users with few exceptions. At the discretion of the stadium manager, lower rental rates can be negotiated by the stadium manager for one or more of these reasons:

- A quantity of dates that are scheduled in the same calendar year.
- A use that will render appropriate revenue levels to the stadium through other means than rent.
- In order to foster the addition of desirable events to the calendar that were unattainable in the past.
- A proposed use that does not fit the current rental rate schedule.

2. Scope of Rental Payment

The agreement to pay a stated rental amount for the stadium entitles the licensee to these facilities and services unless specifically stated in the license.

- The stated public space(s) at the stated times on the stated day(s).
- Concourse lighting as appropriate.
- Event supervision by the stadium management.
- Any other equipment or services specifically provided for in the use license.

3. Rental Rate Categories

The applicable rate to be charged for the use of the stadium will vary according to the prospective licensee, the public space(s) requested, the time(s) requested, and the contemplated use of the space. Based on the above factors, the stadium management will establish the applicable rate to be charged that is also consistent with the rental schedule and stadium policies.

Definitions of the rental rate categories are below.

Licensee categories:

A. Non-profit. Rates listed for non-profit groups shall be extended to non-profit organizations that have a 501 (c) (3) tax status with the I.R.S.

B. Private. All individuals and organizations that do not meet the non-profit criteria as set out above.

Time Categories:

A. Overtime. Will be facility usage that extends beyond the normal operation hours of the stadium.

B. Rehearsal. Time used the day before the event for rehearsal or setup, or the day after an event for move-out. Rehearsal rates are only applicable on days when the public or event attendees are not present.

C. General Time Calculation. The time of use begins when the licensee, its representatives, employees, or contractors arrive at the stadium to begin event preparations. The time of use ends when the licensee, its representatives, employees, contractors, and event attendees have totally vacated the stadium.

D. Normal Operating Hours. Building usage before 7:00 a.m. and after 1:00 a.m. will only be allowed with stadium management approval.

Use Categories:

A. Ticketed Events. Events that fit some or all of these descriptions:

- Typically sports or entertainment events.
- Events where an admission is charged and the gross potential is greater than ten times the base rent.
- Events where the general public is invited.
- Not to include picnics and banquets where the admission charge is not predominantly aimed at the cost of entertainment.

Licensees in this category will be charged a flat guarantee versus 10% of the gross ticket sales, whichever is greater.

B. Trade Shows. Licensees that sublet space to exhibitors and charge for the right to exhibit will be charged a flat guarantee versus a net square foot cost, whichever is

greater. The net square foot charge will be calculated on all floor space that is utilized by the exhibitors. Licensees that plan a trade show, craft show, etc., where the exhibitor's fee paid to the licensee is too low to justify the net square foot rental rate, will be charged the flat rate for the stadium at the stadium management's discretion.

C. Baseball. Non-profit licensees that wish to use the stadium for the sole purpose of hosting a baseball game will pay the baseball rate.

4. Expiration of License

Licensee shall remove from the facilities all property, goods, and effects belonging to Licensee or caused by him to be brought upon the premises. If property is not removed within the time limits stated in the license, City shall have the right to dispose of, sell, store, or cause to be stored any property, for which Licensee shall pay a penalty fee, plus all storage and moving expenses incurred therefor, prior to release of the property from storage.

At the expiration of the time of use of the facilities set forth, Licensee shall quit the facilities and return all equipment and facilities procured, which premises, equipment, and facilities shall be in as good condition and repair as before Licensee's use thereof except for ordinary wear and use.

5. Payment for Damages

Licensee agrees to pay costs of repair or replacement for any and all damages of whatever origin or nature to property of City and John Thurman Field equipment resulting from Licensee's exercise of its license, whether deliberate, accidental, or other causes not predicated on active negligence of City. If possible, John Thurman Field management may withhold from box office receipts before settlement a reasonable amount to cover the costs arising from such damages. John Thurman Field management shall refund to Licensee any amount withheld in excess of actual damages. Otherwise, John Thurman Field management will bill Licensee for damage costs.

6. Scheduling

John Thurman Field management will at its sole discretion determine the acceptable frequency in a one-year period and the acceptable closeness of two similar events. If similar events are too frequent or too close on the calendar, John Thurman Field management reserves the right to deny permission to use John Thurman Field for the event.

7. Event Information

Licensee shall provide John Thurman Field management, at least fourteen days prior to the first day of a scheduled event, a full and detailed outline of all event requirements, including the setup, equipment, personnel, and all other such information as may be required by management.

8. Lawful Activity

No performance, exhibition, or activity shall be given or held in John Thurman Field which is illegal.

9. Tickets

Licensee will pay the City for all box office services as may be required. Licensee is required to sell all tickets at prices advertised, and no deviation will be allowed without the prior written consent of John Thurman Field management. In the handling, control, custody, and keeping of funds, the City is acting for the accommodation of Licensee, and as to such funds the City shall not be liable to Licensee or to any other persons for any loss, theft, or defalcation thereof whether such loss, theft, or defalcation is caused or done by employees of City or otherwise.

10. Concession Sales

Licensee shall not sell, serve, or give away any concession items, including but not limited to tobacco products, beverages, food, candy, or refreshments of any kind, within the leased space except with prior written permission from John Thurman Field management. Licensee, his exhibitors, or persons caused by him to come on the premises may distribute free samples of food or beverages only upon receipt of written permission from John Thurman Field Manager.

City reserves the right to operate or contract for operation and receive the income from concessions for the events to be covered by this license. Such concessions shall include, but not be limited to, the dispensing or sale of food, beverages, programs, souvenirs, and novelties. John Thurman Field shall designate stand and/or bar locations for selling and serving such items.

11. Merchandise Sales

A. Performances, Entertainment, Concerts, Dances: Programs, garments, tapes, CDS, and other novelties may be offered for sale in authorized spaces during the time of the license with approval in advance from John Thurman Field management. Licensee shall pay 25% of the gross receipts from such sales to the stadium management. Licensee should be prepared to inventory in all merchandise available for sale before sales are begun. Additionally, an inventory will be conducted at the conclusion of the sale to establish gross sales.

B. Conferences, Conventions, Meetings, Seminars, etc.: Merchandise may be offered for sale in authorized spaces during the time of the license with approval in advance from John Thurman Field management. The organization or company which is using John Thurman Field and hosting the event may sell merchandise and educational materials that promote their organization or its mission and/or bear its name or logo at no charge to the organization. When the sponsoring organization makes space available to another company or organization for the purpose of selling merchandise, the sponsor will be charged $75 for each such merchant per day.

12. Broadcasting

No event presented in John Thurman Field shall be broadcasted, televised, or in any manner recorded for reproduction without the written consent of John Thurman Field management, and then only upon the express condition that all John Thurman Field expenses pertaining thereto will be paid in advance. Additionally, John Thurman Field

management reserves the right to charge a reasonable usage fee for any broadcast or recording activity. Licensee shall hold City harmless from such broadcasting activity and shall provide all insurance requested by John Thurman Field management prior to conducting the broadcasting.

13. Copyrights

Licensee agrees, represents, and warrants that nothing contained in the program, performance, or exhibition, or in any other way connected with Licensee's activities under this contract, shall violate or infringe upon any copyrights patented, right of privacy, or other statutory or common law right of any person, firm, or corporation. John Thurman Field will not be responsible for any violations of copyright laws by Licensee.

14. Advertising

It is agreed that no signs, posters, or advertisements shall be posted in, on, or about John Thurman Field without the prior written consent and approval of John Thurman Field Manager. In addition, Section 10-2.2108(o) of the Modesto Municipal Code reads as follows:

> *"No signs on street trees, utility poles or structure in street right-of-way. No signs will be attached to any City street tree, or any poles such as utility poles, street signals, street lights, street name signs, or traffic warning signs, or on any bus shelter."*

Advertising materials must assure "truth in advertising" and good taste for the event authorized by this license.

Prior to the execution of this license, Licensee shall not publicize, nor cause to be publicized, in any manner, a performance or event at John Thurman Field. John Thurman Field reserves all rights to the information and manner of publicized display on John Thurman Field scoreboard or marquee.

15. Security

Licensee shall engage, through John Thurman Field management, and reimburse City for the services of adequate security personnel, to be appropriate for the intended facility use as required by John Thurman Field management. John Thurman Field management shall determine the number of officers, and duties will be assigned at the sole discretion of the City.

Licensee shall be solely responsible for the orderly conduct of all persons using the premises by its invitation, either expressed or implied, during all times covered by this license. City reserves the right to eject or cause to be ejected from the premises any person or persons objectionable due to unlawful conduct.

16. Seating Capacity

Licensee shall not sell or permit to be sold or distributed, tickets or passes in excess of the capacity of facilities leased nor admit thereto a larger number of persons than can safely and freely move about therein. The decision of John Thurman Field management in this respect

shall be final and shall include the right to cancel the event if the number present exceeds the number permitted by law.

17. **Control of Stadium**

The entrances and exits of said premises shall be locked and unlocked at such times as may be required for Licensee's use, but Licensee at his expense must place proper watchmen at all entrances and exits when same are unlocked. The City and all duly authorized representatives of the City shall have the right to enter John Thurman Field and all parts thereof at all times.

18. **Lost Articles**

City shall have the right to collect and have custody of articles left in the building by persons attending any event in John Thurman Field, and Licensee or any person in Licensee's employ shall not collect nor interfere with the collection or custody of such articles.

19. **Flammable Materials**

No flammable materials such as bunting, tissue paper, crepe paper, etc., will be permitted to be used for decorations, and all materials used for decorating purposes must be approved by the Fire Department.

20. **Utility Connections**

Unless otherwise authorized by John Thurman Field management, all plumbing, electrical, domestic gas, or carpenter's work required to be done on the premises of John Thurman Field in connection with Licensee's use thereof, shall be done or furnished by City or approved representative.

21. **Storage**

In the receipt, handling, care, or custody of property of any kind shipped or otherwise delivered to the premises by any Licensee, the City, John Thurman Field management, and its employees shall act solely for the accommodation of the Licensee, and neither City, John Thurman Field management, nor employees shall be liable for any loss, damage, or injury to such property.

22. **Business License**

Private individuals and private companies utilizing John Thurman Field as a place to conduct business are required to have a City of Modesto business license. One-day licenses can be obtained from the City of Modesto Finance Department at (209) 577-5389.

LICENSEE HAS READ AND UNDERSTANDS THE STADIUM USAGE POLICIES AS SET FORTH ABOVE. LICENSEE AGREES TO OBSERVE AND ABIDE BY THE RULES AND REGULATIONS GOVERNING THE USAGE OF JOHN THURMAN FIELD FOR PURPOSES AS STATED PER USE LICENSE.

EXHIBIT "C"

City of Modesto
Community Services and Neighborhood Connections Department
Public Assembly Facilities Division

John Thurman Field
DRAFT BOOKING PROCEDURES

A. Calendar Distance From Proposed Date

Full Stadium or Full Concourse Rentals:

1. During Professional Baseball Season

   Uses for John Thurman Field that use the entire stadium or the entire concourse and take place during the professional baseball season (approximately April 1 through September 7 of each year) will only be booked after the professional baseball schedule is announced for each year. Stadium management will not make available dates that are scheduled for home games and dates that are required for the field maintenance that supports professional baseball. Field maintenance days will be selected at the sole discretion of stadium management.

2. Outside of the Professional Baseball Season

   Uses for John Thurman Field that use the entire stadium or the entire concourse and do not occur during the professional baseball season may be booked a maximum of 13 months prior to the requested event date.

Partial Stadium Rental

1. During Professional Baseball Season

   Uses for John Thurman Field use less than the entire stadium or the entire concourse and take place during the professional baseball season, approximately April first through September seventh of each year, will only be booked after the professional baseball schedule is announced for each year. Stadium management will not make available dates that are scheduled for home games and dates that are required for the field maintenance that supports professional baseball. Field maintenance days will be selected at the sole discression of stadium management.

2. Outside of the Professional Baseball Season

   Uses for John Thurman Field that use less than the entire stadium or the entire concourse and do not occur during the professional baseball season may be booked a maximum of 6 months prior to the requested event date.

Exceptions to the above are:

Large date-specific events that do not occur during the professional baseball season may

be guaranteed use dates up to five years prior to a selected event date at the sole discretion of John Thurman Field management. By definition date-specific events are those that are held on specific dates and can not occur on another day because of the type or theme of the event. These tend to be holiday or other significant date events. Examples would be Halloween or the Fourth of July.

B. Spacing of Similar Public Events

At its sole discretion, John Thurman Field management will establish appropriate spacing for similar public events.

C. Tentative Event Date Holds

1. John Thurman Field management will hold tentative dates that are more than 13 months out until someone else requests the same date(s).
2. John Thurman Field will hold tentative dates that are less than 13 months out for a maximum of six weeks. If the prospective licensee does not call John Thurman Field staff and request a license for the tentative hold within the six-week period, the hold will automatically be dropped at the end of the six-week period.
3. *Requests for the same event space on the same date are handled as follows:*

   The prospective licensee that has the date as a tentative will be notified. They will be required to make their deposit payment within two working days. If they fail to do so, their date will be released to the second party. The second party will then be required to make the deposit payment within two working days.

D. License Deposit

1. No license is valid unless it is returned to John Thurman Field staff with the specified deposit by the date specified on the license.
2. Half of the space rental rate will be required as a deposit, with these exceptions:
   a. The minimum guaranteed rental will be required as deposit for percentage based and square foot rentals.
   b. Licensees who hold more than three licenses in a calendar year may be allowed to submit one deposit to apply to all contracts. This deposit will be rolled over and held continually against future licenses at the conclusion of each event. It is understood with the above arrangement that the amount stated as deposit on each license will serve as damages for each event in the case that it is canceled. Despite the above arrangement, it is further understood that multiple cancellations may result in damages paid to John Thurman Field in excess of the original deposit payment.
   c. At its sole discretion, management may elect to waive the deposit payment. Typically, this will be considered based on one or more of the factors below:

1) Past successful events where dates were not canceled and all fees and charges were paid in a timely manner.
2) Institutional financial stability; i.e., government and schools.
3) Minimal entrepreneurial risk associated with the event.

3. In the case of cancellation of the event by the lessee or a default of license terms by the licensee causing the City to void the license, the City will retain the entire deposit as damages and bill the licensee for any and all out-of-pocket expenses incurred as preparation for the canceled event. Any notice of cancellation, with the exception of ticketed entertainment, must be received a minimum of 48 hours prior to event date or full rental will be charged. When an event is booked as ticketed entertainment, whether flat rate or percentage based, any cancellation notice must be received a minimum of one week prior to event date or full room rental will be charged.

   When a date is canceled and rebooked within the same six-month period, half of the deposit will be retained by John Thurman Field as damages; additionally, the licensee will be billed for any and all out-of-pocket expenses incurred as preparation for the canceled date.

4. In cases when a licensee reduces the total number of spaces described in the license, the City will collect the standard deposit amount for the unused space instead of full rent.

E. Cause to Deny John Thurman Field Use

1. Failure to fully pay bills that were incurred in connection with another event at another facility, regardless of who had not been fully paid.
2. Failure to fully pay John Thurman Field settlement statements on or before the date specified on the license, including all rental fees, services, and other charges.
3. Failure to perform to the letter of John Thurman Field license agreement on a past event.
4. Damage to John Thurman Field or another facility in excess of normal wear, that was of an intentional or willful nature.
5. Past situations where a prospective lessee condoned, encouraged, or engaged in activities that were deemed dangerous or harmful or potentially dangerous or harmful to event attendees and/or employees of John Thurman Field or another facility.
6. Any event that is deemed potentially intrusive of the neighborhood that surrounds John Thurman Field.
7. When the proposed activity is deemed to be unlawful according to City, State, or Federal law.

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-52

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(526). (TIM FISHER/ARCHITECTURE PLUS, INC.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Tim Fisher/Architecture Plus, Inc. on October 20, 1997, to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(526), to allow a medical/dental office and parking, property located on the northeast corner of East Orangeburg and Melrose Avenues, described as follows:

R-1 to P-D(526)

All that certain real property situate in a portion of the Northeast Quarter of the Northwest Quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Northeast Quarter of the Northwest Quarter of said Section 21 and also being on the center line of 80.00-foot-wide East Orangeburg Avenue; thence along the center line of East Orangeburg Avenue West 5.00 feet to the intersection with the center line of 50.00-foot-wide Melrose Avenue; thence North along the center line of Melrose Avenue 217.00 feet; thence leaving said center line and along a line bearing East for a distance of 125.00 feet; thence along a line bearing South for a distance of 217.00 feet to the center line of aforementioned East Orangeburg Avenue; thence West along the center line of East Orangeburg Avenue a distance of 120.00 feet to the point of beginning.

and

WHEREAS, after a public hearing held on December 15, 1997, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 97-100, that rezoning of the

property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed planned development zone, by reason of its plot plan design is compatible with existing and potential surrounding development.

2. That the requested planned development zone for offices uses is within an area designated by the General Plan for (MU) Mixed Uses.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 27 , 1998, in the City Council Chambers, City Hall, 801 11th 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 Tim Fisher/Architecture Plus, Inc. for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 97-100 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3078 -C.S. on the 27th day of January , 1998, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(526).

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

1. All development shall conform to the plot plan and floor plans titled "Family Dental Center" as amended in red, stamped approved by the City Council on January 27, 1998.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

   a. Six-foot-high wood fence with decorative masonry pilasters at 16 foot on centers along the east property line.

   b. Six-foot-high wood fence along the north property line.

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

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

6. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

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

8. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.

10. Trash cans shall be screened from view from any public street.

11. All signs shall comply with the sign requirements of the P-O Zone.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(526):

The entire construction program be accomplished in one phase, construction to begin on or before December 15, 1999, and completion to be not later than December 15, 2000.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(526), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-53

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(526), PROPERTY LOCATED ON THE NORTHEAST CORNER OF EAST ORANGEBURG AND MELROSE AVENUES. (TIM FISHER/ARCHITECTURE PLUS, INC.)

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

WHEREAS, Tim Fisher/Architecture Plus, Inc. has proposed that the zoning designation for the property located on the northeast corner of East Orangeburg and Melrose Avenues be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(526), property located on the northeast corner of East Orangeburg and Melrose Avenues , in the City of Modesto ("the project"), and

WHEREAS, on November 26, 1997, the City's Community Development Department by Environmental Assessment Initial Study 97-148 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on January 27, 1998, the Modesto Planning Commission, after a duly noticed public hearing, recommended to the City Council that said project be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the initial study prepared for the proposed project on November 26, 1997, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said initial study makes the following findings:

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

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

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

4. There are no specific features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

EA NO. 97-148

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this proposal to rezone from R-1 to Planned Development Zone to allow a medical/dental office building use. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

This Initial Study in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan. This Initial Study also provides documentation that the project is considered in the Master EIR as being with in scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title:
Application of Tim Fisher/Architecture Plus, Inc. to Rezone from R-1 to Planned Development Zone, Property Located on the northeast corner of East Orangeburg and Melrose Avenues.

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

C. Contact person, address and phone number:
Tim Fisher/Architecture Plus, Inc.
1207 - 13th Street, #6
Modesto, CA. 95353
phone (209) 577-4661

D. Project Location:
property located on the northeast corner of East Orangeburg and Melrose Avenues

E. Project sponsor:
Garry L. Found, D.D.S.
Hillsboro Ct.
Modesto, CA. 95356

F. General Plan Designation:
Mixed Use (MU)

G. Zoning:
Existing R-1

EXHIBIT A

H. Description of Proposed Project:
This an application to rezone from R-1 to P-D to allow development of a 4200 square foot, one-story medical/dental office building and a 21-spaces parking lot area on 0.41 acres located at the northeast corner of East Orangeburg and Melrose Avenues. Immediately surrounding land uses include: residential to the north and west, convalescent care facility to the east, and medical offices and residential units to the south.

I. Surrounding land uses:

North	R-1, Low Density Residential Zone (dwelling)
South	R-2, Medium Density Residential Zone (residential uses)
East	R-1, Low Density Residential Zone (convalescent care facility)
West	R-2, Medium Density Residential Zone (residential uses)

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR
There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. Traffic and Circulation
Development of the proposed medical office will generate an increase of traffic in the area. The P-D plot plan will provide a minimum number of vehicular access points to adjacent streets, while allowing for potential onsite traffic circulation between adjacent properties. No site traffic mitigation study was required as a result of the proposed planned development for the professional office. Development of this parcel is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. Degradation of Air Quality
This proposed rezoning for medical offices is within the urban developed area of the City of Modesto. This development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**
This proposed rezoning for office development is adjacent to and surrounded by urban development. These adjacent uses consist of a mixture of low and medium density residential units and other office uses. Because of building walls, setbacks, required property line fencing to the west, east, and north, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts on this professional office development or the adjacent residential neighborhood will be associated with the resulting office uses. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**
The proposed development is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned for residential development. The proposed planned development zone will allow professional office development of the property. This property is also within a Mixed Use (MU) area as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**
The proposed rezoning will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

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

G. **Loss of Sensitive Wildlife and Plant Habitat**
The proposed rezoning is proposed in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**
This proposed rezoning will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation

Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. **Drainage, Flooding and Water Quality**
The proposed rezoning will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

J. **Increased Demand for Storm Drainage**
The proposed rezoning will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

K. **Increased Demand for Parks and Open Space**
This proposed rezoning will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. **Increased Demand for Schools**
This proposed rezoning will not impact the Modesto School system, as this proposal will add no residential units. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

M. **Increased Demand for Police Services**
This proposed rezoning will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. **Increased Demand for Fire Services**
This proposed rezoning will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 5 is located approximately 0.75 of a mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.

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

P. **Generation of Hazardous Materials**
This rezoning and professional office development will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. **Landslides and Seismic Activity**
This rezoning and professional office building will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. **Energy**
This rezoning and resulting development will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed rezoning from R-1 to P-D for a professional office development is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH No. 92052017).

B. The proposed rezoning and resulting development will have no new additional significant effect on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

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

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

Signature: _____ Date: 11/26/97

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MODESTO CITY COUNCIL
RESOLUTION NO. 98-54

A RESOLUTION ACCEPTING THE BID OF ACME CONSTRUCTION COMPANY INC. FOR THE PROJECT TITLED "PRESS BOX AND ELEVATOR TOWER ADDITION TO JOHN THURMAN FIELD"

WHEREAS, the bids received for Press Box and Elevator Tower Addition to John Thurman Field were opened at 11:00 a.m. on October 28, 1997, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Acme Construction Company Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $285,100.00 from Acme Construction Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 98-55

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO RECOGNIZE ADDITIONAL REVENUE AND FULLY FUND THE PROJECT

WHEREAS, a new press box at the recently renovated Thurman Field is being funded under agreements with the Modesto Bee and local auto dealers; and

WHEREAS, funds are partially budgeted in Account #130-310-J890. The Modesto Bee is donating $25,000/year over the next 10 years towards the projects. Local auto dealers have agreed to contribute $6,500/year over the same period. The remaining costs will be provided from the Special Fund for Capital Outlays Reserves.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
Account #130-510-9510-8107	$31,500
Expenditure	
Account #130-310-J890-6040	$89,000
Account #130-800-8000-8003	(89,000)

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

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MODESTO CITY COUNCIL
RESOLUTION NO. 98-56

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO AUTO DEALERS ASSOCIATION FOR USE OF A SUITE AT JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Auto Dealers Association for use of a suite at John Thurman Field be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-57

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TAI CHI CHUAN FOR CONDUCTING TAI CHI CLASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tai Chi Chuan for conducting Tai Chi Classes be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-58

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AWARD AND THE SPECIAL CONDITIONS DOCUMENTS FOR THE CITY OF MODESTO'S 24-MONTH LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FOR $349,231.00 IN FEDERAL FUNDS FOR PROCUREMENT OF AN AUTOMATED RECORDS MANAGEMENT SYSTEM.

WHEREAS, in July, 1997, the Modesto City Police Department applied to the United States Department of Justice, Bureau of Justice Assistance, for a 24-month Local Law Enforcement Block Grant in the sum of $349,231.00, and

WHEREAS, the City is required to provide matching funds in the sum of $38,803.00 from the Police Department's Asset Forfeiture Trust Account, and is also required to establish a Trust Fund for deposit and expenditure of the monies, and

WHEREAS, the 24-month Local Law Enforcement Block Grant will be used to procure an automated Records Management System to capture, record, analyze and report all police data for the Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee are hereby authorized to execute the Grant Award and the Special Conditions documents for submittal to the United States Department of Justice, Bureau of Justice Assistance, for the 24-month Local Law Enforcement Block Grant Program for funds in the amount of $349,231.00, for procurement of an automated Record Management System.

BE IT FURTHER RESOLVED that the City of Modesto's required matching funds in the sum of $38,803.00 shall be provided from the Police Department's Asset Forfeiture Trust Account, and a Trust Fund for deposit and expenditures of the monies shall be established as required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-59

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE NEW REVENUE OF $349,231 FROM THE GRANT CONTRACT AND MATCHING FUNDS OF $38,803 AND APPROPRIATING $388,034 TO ORGANIZATION #1980

WHEREAS, in July 1997, the Police Department applied for the Local Law Enforcement Block Grant. This program provides 90 percent of a grant budget; and

WHEREAS, the City must match the $349,231 with $38,803 in local funds, which will be provided by the Asset Forfeiture Trust Account; and

WHEREAS, a Trust Fund for deposit and expenditure of the monies is required. Organization #1980 was established last fiscal year for the first year of this grant program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
#010-190-1980-3506	$349,231
#010-190-1980-7202	38,803
Expenditure	
#010-190-1980-5292	$388,034

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-60

A RESOLUTION INCREASING THE ENCUMBRANCE AND EXPENDITURE OF FUNDS FOR THE NINTH STREET RAILROAD PROJECT BY $150,000 FOR WORK PERFORMED BY UNION PACIFIC RAILROAD ON PHASE I OF THE PROJECT.

WHEREAS, on February 1, 1994, the Council approved a plan for the removal of the Union Pacific trains from Ninth Street in the downtown area to Bangs Avenue, and

WHEREAS, the first stage of the project called for the Union Pacific and Southern Pacific tracks to be connected at Lathrop and South Modesto under agreement with Union Pacific, and

WHEREAS, under the May 10, 1994, agreement for construction of the first stage of the project, costs were estimated at $3.5 million for Union Pacific and Southern Pacific Railroad construction crews and subcontractors to perform the work, and

WHEREAS, under the agreement, the City is obligated to pay its proportional share of the actual construction costs, and

WHEREAS, the actual project began in 1995 and was completed in November, 1996, and

WHEREAS, the initial $3.5 million estimate in 1994 was the best estimate available at the time, and

WHEREAS, the railroad has provided copies of bills and invoices to the City to substantiate additional costs of $56,945 to date, and

WHEREAS, additional expenditure authorizations in the amount of $150,000 are

needed at this time to cover actual and anticipated costs, including the purchase of right-of-way in Lathrop estimated at $90,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes increasing the encumbrance and expenditure authorization by $150,000 on the Ninth Street Railroad Project for work performed by Union Pacific Railroad on Phase I of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-61

A RESOLUTION ACCEPTING STANISLAUS COUNTY'S SHARE OF THE AIRCRAFT PERSONAL PROPERTY TAX FOR MODESTO AIRPORT GENERAL AVIATION AREA IMPROVEMENTS.

WHEREAS, the Stanislaus County Board of Supervisors' Budget for fiscal year 1998 included the transfer of the County's share of taxes collected from based aircraft to Modesto City-County Airport, and

WHEREAS, the Board of Supervisors approved the transfer of the personal property taxes from aircraft based at Modesto City-County Airport to the City of Modesto, and

WHEREAS, the Board of Supervisors allocated the funds to the City of Modesto only for Airport general aviation area improvements, and the Board of Supervisors requires that the City approve a resolution of acceptance agreeing that the funds will be used for general aviation area improvement projects, and

WHEREAS, the City of Modesto has future general aviation projects planned that the aircraft taxes can be used to complete,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves receipt of the Stanislaus County's share of the aircraft taxes collected in 1998, subject to the condition that the funds shall be used for general aviation area improvement projects as required by the County Board of Supervisors.

BE IT FURTHER RESOLVED that City staff is hereby directed to transmit a copy of this resolution and letter of appreciation to the Stanislaus County Board of Supervisors and staff.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-62
REVISED

Print

A RESOLUTION APPROVING THE SUBMITTAL OF A MODESTO CITY-COUNTY AIRPORT CAPITAL IMPROVEMENT PLAN AND MULTI-YEAR PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE THE FIRST SIX PROJECTS LISTED ON THE AIRPORT CAPITAL IMPROVEMENT PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PREAPPLICATION ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) entitlement funds to improve the Modesto City-County Airport, and

WHEREAS, the Federal Aviation Administration (FAA) requires that the City periodically submit an Airport Capital Improvement Plan (ACIP) identifying near and long-range funding needs and also requires airport sponsors to submit an annual application for funds needed, and the FAA has notified the City of Modesto that federal funds in the amount of $600,000 are available for Modesto City-County Airport during fiscal year 1998, and

WHEREAS, airport staff has prepared a list of recommended improvements for Modesto City-County Airport that are consistent with the FAA's project criteria, and staff anticipates that said improvements will be completed by the end of the current airport master plan, and

WHEREAS, AIP funding levels have been uncertain over the last few years, and that funding uncertainty is likely to continue, however, the FAA's Airport District Office will consider a multi-year preapplication to give more assurance of

funding levels for the next four years, and

WHEREAS, the recommended multi-year application is for fiscal years 1998-2001 and amounts to $2,100,250; and if the multi-year application is acceptable to FAA, the City will submit subsequent applications of $2,152,500 for FY 2002-2005 and $1,558,600 for FY 2006-2008, and

WHEREAS, the City anticipates that a Passenger Facility Charge (PFC) program will be used to cover the local matching amounts of the project, and a PFC application will be submitted to the FAA, and

WHEREAS, the Transportation Policy Committee has reviewed the ACIP and the preapplication and the committee is recommending their submittal,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport ACIP covering fiscal years 1998-2008, and a preapplication for fiscal years 1998-2001 in the amount of $2,100,250.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to sign the preapplication on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the Airport Manager will submit the ACIP to the FAA along with the preapplication, and will begin to prepare an application for use of PFC funding for the local share of the AIP funds.

BE IT FURTHER RESOLVED that the Airport Manager will

submit a FY 1999 Capital Improvement budget to the City that includes Aircraft Rescue and Firefighting (ARFF) improvements and the design engineering for a new general aviation (GA) entrance that is included as part of the preapplication being submitted to the FAA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Corrected 2-6-98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-62

A RESOLUTION APPROVING THE SUBMITTAL OF A MODESTO CITY-COUNTY AIRPORT CAPITAL IMPROVEMENT PROGRAM AND MULTI-YEAR PREAPPLICATION FOR FEDERAL FUNDS TO COMPLETE THE FIRST SIX PROJECTS LISTED ON THE AIRPORT CAPITAL IMPROVEMENT PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PREAPPLICATION ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) entitlement funds to improve the Modesto City-County Airport, and

WHEREAS, the Federal Aviation Administration (FAA) requires that the City periodically submit an Airport Capital Improvement Program (ACIP) identifying near and long-range funding needs and also requires airport sponsors to submit an annual preapplication for funds needed, and the FAA has notified the City of Modesto that federal funds in the amount of $600,000.00 are available to complete the Modesto City-County Airport's improvement projects for the fiscal year 1998, and

WHEREAS, the airport staff has developed a list of needed improvements to the Modesto City-County Airport, consistent with the FAA's criteria of airport capacity enhancement, safety and security, and noise or other environmental concerns and as shown on the FAA required approved airport layout plan, and staff anticipates that said improvements will be completed between now and the end of the current airport master plan, the period ending approximately 2008, and

Corrected 2-6-98

WHEREAS, the AIP funding levels have been uncertain over the past few years and are likely to continue into the future, however, the FAA's Airport District Office agreed to consider a preapplication that will ensure funding over the next four years, and

WHEREAS, the funding requests submitted for the proposed multi-year grant idea, if accepted by the FAA, would be $2,152.500.00 for FY 2002-2005 and $1,558,600.00 for FY 2006-2008 and it is anticipated that a Passenger Facility Charge (PFC) will cover the local matching amount of the project, and

WHEREAS, the Airport Advisory Committee reviewed the capital improvement plans in November, and the Transportation Policy Committee reviewed the recommendations for improvements and concurs with the requests,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport preapplication for federal funds in the amount of $600,000.00 to complete the airport's improvement projects for the fiscal year 1998.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to sign the preapplication on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the Airport Manager will hold a meeting with the airlines and prepare a Passenger Facility Charge application to be submitted to the FAA in an amount to cover the local share of said preapplication being submitted.

BE IT FURTHER RESOLVED that the Airport Manager will submit a FY 1999 Capital Improvement Program budget and shall include the projects on the preapplication related to Aircraft Rescue and Firefighting (ARFF) and the design of the General Aviation (GA) Entrance Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Corrected 2-6-98

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-63

A RESOLUTION APPROVING THE ISSUANCE OF REFUNDING REVENUE BONDS BY THE MODESTO IRRIGATION DISTRICT FINANCING AUTHORITY RELATED TO THE REFINANCING OF THE DOMESTIC WATER TREATMENT AND DELIVERY SYSTEM OF THE MODESTO IRRIGATION DISTRICT

WHEREAS, the City of Modesto, a charter city and municipal corporation organized and existing under the laws of the State of California (the "City"), currently provides municipal water service within the service boundaries of the Modesto Irrigation District (the "District"), and

WHEREAS, the District and the Modesto Irrigation District Financing Authority, a joint powers authority organized and existing under the laws of the State of California, have financed the domestic water treatment and delivery system of the District (the "Project") through the issuance of Modesto Irrigation District Financing Authority Domestic Water Project Revenue Bonds, Series 1992A Water Bonds and Series 1995C Water Bonds currently outstanding in the aggregate principal amount of $90,700,000 (collectively, the "Prior Water Bonds"), and

WHEREAS, the District desires to refinance the Project through the issuance of Modesto Irrigation District Financing Authority Domestic Water Project Refunding Revenue Bonds, Series 1998D (the "Bonds"), the proceeds of which will be used to refund and defease the outstanding principal amount of the Prior Water Bonds, and

WHEREAS, the Bonds will be issued for the benefit of the City's Municipal Water Utility and will be repaid from the debt service portion of payments made by the City in

accordance with the Treatment and Delivery Agreement entered into in 1992 by the City and the District (the "Treatment and Delivery Agreement"),

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

SECTION 1. The City Council of the City hereby finds and determines that the matters set forth in the preambles to this Resolution are true and correct.

SECTION 2. The City Council of the City hereby approves of the issuance of the Bonds by the Authority for the benefit of the City's Municipal Water Utility; provided, however, that the issuance of the Bonds and the refinancing of the Project shall result in net present value savings of not less than three percent (3%), the principal amount of the Bonds shall not exceed $105,000,000 and the true interest cost with respect to the Bonds shall not exceed seven percent (7%).

SECTION 3. The proposed form of the Official Statement relating to the Bonds (the "Official Statement") as presented to this meeting is hereby approved. Bear, Stearns & Co. Inc, as underwriter with respect to the Bonds, is hereby authorized to distribute copies of the Official Statement in preliminary form to prospective purchasers of the Bonds and is hereby directed to distribute copies of the Official Statement in final form to all actual purchasers of the Bonds.

SECTION 4. The Treatment and Delivery Agreement is ratified and confirmed.

SECTION 5. Subject to the conditions specified in Section 2 hereof, the Mayor and the City Manager (or his or her designee) are hereby authorized and directed, jointly and severally,

to do any and all things and to execute and deliver any and all documents, certificates and other instruments, including a continuing disclosure agreement relating to the Bonds, which they may deem necessary or advisable, to carry out, give effect to and comply with the terms and intent of this Resolution.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the Resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CERTIFICATE OF THE CITY CLERK
OF THE CITY OF MODESTO

I, JEAN ADAMS, City Clerk of the City of Modesto, hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted at a meeting of the City Council of the City of Modesto duly and regularly held on January 27, 1998, of which meetings all of said City Council had due notice.

I further certify that I have carefully compared the foregoing copy with the original minutes of said meeting on file and of record in my office; that said copy is a true, complete and correct copy of the original resolution duly adopted at said meeting and entered is said minutes; and that said resolution has not been modified, amended, rescinded of revoked except as provided in such resolution in any manner since the date of its adoption, and the same is now in full force and effect.

IN WITNESS WHEREOF, I have executed this certificate this 3rd day of ~~January~~ February, 1998.

CITY OF MODESTO

By Jean Adams
City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-64

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF TERRI AMERIO-BELL FROM THE AFFIRMATIVE ACTION COMMISSION, EFFECTIVE JANUARY 27, 1998

WHEREAS, Terri Amerio-Bell was first appointed as a member of the Affirmative Action Commission on March 3, 1992; and

WHEREAS, Terri Amerio-Bell has tendered her resignation from the Affirmative Action Commission, effective January 27, 1998; and

WHEREAS, Terri Amerio-Bell has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED that the resignation of Terri Amerio-Bell from the Affirmative Action Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Terri Amerio-Bell for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of January, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-65

A RESOLUTION ACCEPTING THE BID OF PAUL ANDERSON CONSTRUCTION FOR THE PROJECT TITLED "WATER STORAGE BUILDING AT WATER TANK NO. 6"

WHEREAS, the bids received for the Water Storage Building at Water Tank No. 6 were opened at 11:00 a.m. on December 2, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Paul Anderson Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $118,624.00 from Paul Anderson Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-66

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $18,000 TO FULLY FUND THE PROJECT TITLED "WATER STORAGE BUILDING AT WATER TANK NO. 6"

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

From: 610 480 J509 $18,000
To: 610 480 H099 $18,000

The low bid is about 17% above the original budget estimate. Funds are avilable for the contract. This transfer is needed to pay for inspection and contingencies if needed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-67

A RESOLUTION ACCEPTING THE BID OF ALL AMERICA TRENCHING FOR THE PROJECT TITLED "J STREET AND 11TH STREET WATER SYSTEM IMPROVEMENTS"

WHEREAS, the bids received for J Street and 11th Street Water System Improvements were opened at 11:00 a.m. on January 20, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of All America Trenching be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $101,877.59 from All America Trenching be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-68

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $37,000 TO FULLY FUND THE PROJECT TITLED "J STREET AND 11TH STREET WATER SYSTEM IMPROVEMENTS"

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

From: 610 480 J509 6040 40; $37,000
To: 610 480 J501 6040 40; $37,000

Additional funding is needed to construct the J/11th Street Water project. Bids came in higher than anticipated due to the requirement for the work to be performed during night-time hours to accommodate the demolition work for the 10th Street Plaza project and not disturb businesses in the area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-69

A RESOLUTION ACCEPTING THE BID OF SOARES UNDERGROUND CONSTRUCTION FOR THE PROJECT TITLED "96/97 ANNUAL SEWER REHABILITATION"

WHEREAS, the bids received for 96/97 Annual Sewer Rehabilitation were opened at 11:00 a.m. on January 20, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Soares Underground Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $214,325.00 from Soares Underground Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-70

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

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

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

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

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

SECTION 1. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to change the designation of the following classifications from Miscellaneous General Non-Sworn to Management Non-Sworn:

Senior Crime Analyst

Senior Community Development Program Specialist

The job specifications for the classifications of Senior Crime Analyst, formerly

classified as Miscellaneous, (Range 130), and reclassified to Management, (Range 430), and Senior Community Development Program Specialist, formerly classified as Miscellaneous, (Range 131), and reclassified to Management, (Range 431), are hereby made a part of this resolution by reference, and are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after February 3, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-71

Print

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REMOVE SENIOR CRIME ANALYST AND SENIOR COMMUNITY DEVELOPMENT PROGRAM SPECIALIST AS MISCELLANEOUS GENERAL NON-SWORN EMPLOYEES, AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 97-375 TO DESIGNATE SENIOR CRIME ANALYST AND SENIOR COMMUNITY DEVELOPMENT PROGRAM SPECIALIST AS MANAGEMENT NON-SWORN EMPLOYEES.

WHEREAS, during the process of conducting the Ralph Andersen classification study, the issue was raised to change the designation for two employees in the single position classes of Senior Crime Analyst and Senior Community Development Program Specialist from Miscellaneous to Management employees, and

WHEREAS, since the issue was outside the scope of the classification study and dealt with Fair Labor Standards Act exempt status, the City Attorney's Office reviewed the duties and responsibilities of the incumbents, and staff recommends designating these positions as "Management Employees", and

WHEREAS, this recommendation has also been reviewed and agreed upon by the Modesto City Employees Association (MCEA), and

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26 to remove Senior Crime Analyst and Senior Community Development Program Specialist as Miscellaneous General Non-Sworn employees and to amend Exhibit "A" of Resolution No. 97-

375 to designate Senior Crime Analyst and Senior Community Development Program Specialist as Management Non-Sworn employees,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" of Resolution No. 95-26 entitled "City Of Modesto Class Range Table General Non-Sworn Classes, Effective January 10, 1995", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table General Non-Sworn Classes, Effective February 3, 1998", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" removes Senior Crime Analyst (formerly Range 130) and Senior Community Development Program Specialist (formerly Range 131) as Miscellaneous General Non-Sworn employees.

SECTION 2. AMENDMENT TO RESOLUTION NO. 97-375. Exhibit "A" of Resolution No. 97-375 entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 24, 1997", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes, Effective February 3,1998, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" designates Senior Crime Analyst (Range 430) and Senior Community Development Program Specialist, (Range 431) as Management Non-Sworn employees.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and

after February 3, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February 1998 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective February 3, 1998

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

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

122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. Crewleader - Parks
124	Plant Mechanic Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader Community Development Program Specialist I Wastewater Collection System Crewleader Laboratory Analyst II
125	Crime Analyst Sr. Wastewater Treatment Plant Operator
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Material Program Coordinator
131	Sr. Civil Engineering Asst.

132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

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

Effective February 3, 1998

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Accountant I (Confidential) Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Systems Technician Workers' Compensation Claims Examiner I

421	
422	Office Supervisor
423	Custodian Supervisor Police Support Services Supervisor
424	Assistant Planner Asst. City Clerk/Auditor Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Stores Manager
427	Events Supervisor Legal Services Administrator
428	Parks Maintenance Supervisor Airport Maintenance Supervisor Trees Maintenance Supervisor Equipment Maintenance Supervisor I Senior Buyer Accountant II Budget Analyst Public Works Supervisor Building Maintenance Supervisor Customer Services Specialist Customer Services Supervisor
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor **Senior Crime Analyst** Social Services Program Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst **Senior Community Development Program Specialist** Systems Analyst

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

441	Airport Manager Solid Waste Program Manager Transit Manager Streets Superintendent Parks Operations Superintendent Risk Manager Assistant Personnel Director Recreation Superintendent Fleet Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector Manager of Budget and Financial Analysis
443	Deputy Chief Bldg. Official Sr. Deputy City Attorney I
444	General Services Manager Principal Planner
445	Customer Services Division Manager Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir. - Civic Center Asst. Parks & Recreation Dir. - Parks Asst. Parks & Recreation Dir. - Recreation Business Development Division Manager Development Services Division Manager Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Sr. Deputy City Attorney II

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

MODESTO CITY COUNCIL
RESOLUTION NO. 98-72

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DRYDEN PARK COFFEE SHOP INC. FOR FOOD AND BEVERAGE CONCESSION AT DRYDEN AND MUNI GOLF COURSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dryden Park Coffee Shop Inc. for food and beverage concession at Dryden and Muni Golf Courses be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-73

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MARGIE LEE FROM THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE, EFFECTIVE FEBRUARY 3, 1998

WHEREAS, Margie Lee was appointed a member of the Citizens Housing & Community Development Committee on August 10, 1993; and

WHEREAS, Margie Lee has tendered her resignation from the Citizens Housing & Community Development Committee, effective February 3, 1998; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Margie Lee from the Citizens Housing and Community Development Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-74

A RESOLUTION ACCEPTING THE PROJECT TITLED "BRIGGSMORE/COFFEE INTERSECTION IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Briggsmore/Coffee Intersection Improvements, has been completed by George Reed Inc., in accordance with the contract agreement dated May 20, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Briggsmore/Coffee Intersection Improvements be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,722,955.28 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-75

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TEN POLICE VEHICLES FOR A TOTAL COST NOT TO EXCEED THE CITY'S BUDGET OF $250,000.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of ten police vehicles is hereby waived.

BE IT FURTHER RESOLVED that purchase of ten police vehicles for a not to exceed price of $250,000.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-76

A RESOLUTION AUTHORIZING THE PURCHASE OF EIGHT PICKUP TRUCKS FROM THE COMPETITIVELY BID STATE CONTRACT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of eight pickup trucks from the competetively bid State contract is hereby approved.

BE IT FURTHER RESOLVED that purchase of eight pickup trucks for a not to exceed price of $143,778.56 be, and it hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk (8)

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-77

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID OR PUBLIC AUCTION.

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

WHEREAS, the City possesses eight (8) buses which have been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, a list of the buses to be sold by sealed bid and/or public auction is on file in the office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the eight (8) buses, which are set forth on the list on file in the City Clerk's office and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

MODESTO CITY COUNCIL
RESOLUTION NO. 98-78

Print

A RESOLUTION APPROVING AN AMENDMENT THE MASTER AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS, THE MODESTO REDEVELOPMENT AGENCY, AND THE CITY/COUNTY CAPITAL IMPROVEMENTS AND FINANCING JOINT POWERS AGENCY FOR THE ELIMINATION OF THE SERVICE PARCEL WITHIN THE JPA SITE AND TO APPROVE A LOT LINE ADJUSTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the Master Agreement between the City of Modesto and the County of Stanislaus, the Modesto Redevelopment Agency, and the City/County Capital Improvements and Financing Joint Powers Agency for the elimination of the service parcel within the JPA site and to approve a lot line adjustment be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to the Master Agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-79

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS REGARDING OWNERSHIP OF THE AT&T BUILDING TO PROVIDE FOR CASUALTY AND LIABILITY INSURANCE AND TO ALLOW THE CITY TO COLLATERALIZE ITS ONE-HALF INTEREST AS PART OF THE OVERALL 10TH STREET PLACE FINANCING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the County of Stanislaus regarding ownership of the AT&T building to provide for casualty and liability insurance and to allow the City to collateralize its one-half interest as part of the overall 10th Street place financing be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-80

Print

A RESOLUTION DENYING THE STAFF RECOMMENDATION PERTAINING TO THE DELIVERANCE OF A GRANT DEED FOR CONVEYANCE OF PROPERTY FROM THE CITY OF MODESTO TO THE COUNTY OF STANISLAUS.

WHEREAS, the City of Modesto currently owns a small parking lot behind the County Administration Building at 11th and G Streets, and

WHEREAS, the Master Agreement for the 10th Street Place Project was approved by the City Council in July, 1997, and one of the collateral documents that was approved was a form of Grant Deed for the conveyance of this parking lot to the County in order to enable the County to convey the entire block to the Stanislaus County Office of Education upon the completion of the JPA building and the 10th Street Place Project, and

WHEREAS, the Master Agreement is silent as to when the deed should be delivered to the County, and the County has requested that it be delivered now instead of at the time City Hall is conveyed to the County, after the completion of the JPA building, and

WHEREAS, the property is currently used for 44 public parking spaces, and the parties have approved of and will enter into an agreement to reserve an easement for that purpose so that even after the property is conveyed to the Stanislaus County Office of Education, the property will continue to be used for public parking, and

WHEREAS, City staff has recommended authorizing the City Manager to deliver the Grant Deed for the conveyance from the City to the County of the City's real property located at the southeast corner of 11th Street and G Street,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the recommended action is denied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-81

A RESOLUTION APPROVING, AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED $65,000,000 LEASE REVENUE BONDS, SERIES 1998 (CAPITAL IMPROVEMENTS AND REFINANCING PROJECT) BY THE MODESTO PUBLIC FINANCING AUTHORITY AND DIRECTING EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS AND CERTAIN RELATED DOCUMENTS, AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, AUTHORIZING THE EXECUTION AND DELIVERY OF A REIMBURSEMENT AGREEMENT, AUTHORIZING AND DIRECTING EXECUTION OF A PURCHASE CONTRACT, APPROVING THE FORM AND AUTHORIZING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND A CONTINUING DISCLOSURE AGREEMENT, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO

WHEREAS, the City of Modesto (the "City") is a charter city and a municipal corporation organized and existing under the laws of the State of California; 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 sell at public or negotiated sale Authority bonds secured in whole or in part by the Obligations of a Local Agency (as defined under the Act), including the City; and

WHEREAS, the Authority is authorized under the Act to provide financing and/or refinancing for Public Capital Improvements and other costs by entering into Lease/Purchase Agreements (all as defined in the Act) with Local Agencies; and

WHEREAS, the City is a Local Agency under the Act and, working together with the Authority, is proposing to proceed with a lease financing to finance the costs associated with a mixed-use development, including, among other uses, retail and office uses, a public parking garage, a City-County building, each of such improvements more commonly referred to as the 10th Street Place Project (the "10th Street Place Project"); and

WHEREAS, City, in conjunction with the financing of the 10th Street Place Project, has determined to undertake the acquisition and/or construction of other public capital improvements, including the Communications Dispatch Center and a Police Headquarters Building (together with the 10th Street Place Project, the "Project"); and

WHEREAS, in conjunction with the financing of the Project, the City has determined it would be advantageous to refund and defease all of its outstanding Certificates of Participation (Capital Improvements Projects) (the "1986 Certificates") which obligations evidence the undivided fractional interests of the Owners thereof in Lease Payments to be made by the City as the rental for certain property in accordance with the terms of that certain Lease Agreement (the "1986 Lease"), dated as of December 1, 1986, by and between the City and the California Public Agency Leasing Corporation; and

WHEREAS, upon the advance refunding of the 1986 Certificates, the City will lease the real property constituting the Public Park Projects (which were the subject of the 1986 Lease) and the real property upon which the component of the Project constituting the Police Headquarters Building will be acquired and constructed to the Authority pursuant to the terms of a Site Lease (the "Site Lease"), dated as of March 1, 1998, by and between the City and the Authority; and

WHEREAS, in order to implement the 10th Street Place Project, the City, the County of Stanislaus (the "County"), the Redevelopment Agency and the Agency have entered into, among other documents, a Master Agreement, dated July 22, 1997, which agreement sets forth the responsibilities of the parties with respect to the development of the 10th Street Place Project; and

WHEREAS, in furtherance of the 10th Street Place Project, the Redevelopment Agency of the City of Modesto (the "Agency") will lease certain real property to the Authority pursuant to a Site Lease, dated as of March 1, 1998, by and between the Authority and the Agency, upon which the component of the Project constituting the Public Parking Garage will be acquired, constructed and/or installed; and

WHEREAS, pursuant to the terms of a Facilities Lease (City-County Building), dated as of March 1, 1996, between the Authority and the City-County Capital Improvements and Financing Agency (the "Financing Agency"), the Financing Agency will lease to the Authority the City's interest in the City-County building and the site upon which such facility is located, together with the City's interest in common areas to be used by the City; and

WHEREAS, pursuant to the terms of a Facilities Lease (Communications Dispatch Center) (the "Facility Lease"), dated as of March 1, 1998, between the City and the Authority, the City will lease its undivided one-half interest in and to the Communications Dispatch Center, together with common areas to be used by the City, to the Authority; and

WHEREAS, the Authority, on behalf of the City, desires to issue, sell and deliver its Lease Revenue Bonds, Series 1998 (Capital Improvements and Refinancing Project), in the aggregate principal amount not to exceed $65,000,000 (the "Bonds") to (i) provide funds to finance the Project, (ii) provide funds to advance refund the 1986 Certificates, (iii) pay capitalized interest on the Bonds, (iv) provide a debt service reserve fund for the Bonds, and (v) pay the costs of issuance therefor; and

WHEREAS, pursuant to the Lease Agreement (the "Lease Agreement"), dated as of March 1, 1998, the City, as agent of the Authority, will acquire, construct or install or cause to be acquired, constructed or installed the certain components of the Project, and lease the Sites (as defined in the Lease Agreement) together with the Leased Units of the Project (collectively, the "Leased Property") from the Authority and pay Lease Payments therefor, all under and in accordance with the Constitution and laws of the State of California, including the Act; and

WHEREAS, in order to provide funds for its share of the costs of certain components of the Project, the Agency has agreed under the terms of the Reimbursement Agreement (as described below) to repay to the City certain costs related to the acquisition, construction and installation of a component of the Project being the Public Parking Garage, together with related improvements; and

WHEREAS, in order to secure the Lease Payments payable by the City under the Lease, pursuant to Section 37351.5 of the Government Code of the State of California, the City has determined to guarantee Lease Payments payable under the Lease by an apportionment of Motor Vehicle License Fee Revenue allocated to the City pursuant to California Revenue and Taxation Code Section 11001 et seq.; and

WHEREAS, the issuance of the Bonds, the execution and delivery of the Site Lease, the Lease Purchase Agreement and the Escrow Agreement will have significant public benefits to the City, including, with respect to the financing of the Project, the more efficient delivery of local agency services to the community, and with respect to the advance refunding of the 1986 Certificates, significant debt service savings; and

WHEREAS, all acts, conditions and things required by the Constitution and 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 Authority 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, it is hereby resolved, as follows:

Section 1. The below-enumerated documents be and are hereby approved, and the City Manager or the Interim Finance Director is hereby authorized and directed to execute said documents, with such changes, insertions and omissions as may be approved by such official, and the City Clerk is hereby authorized and directed to attest to such official's signature:

(a) a form of Lease/Purchase Agreement, between the Authority, as lessor, and the City, as lessee, pursuant to which the City will lease-back certain real property, together with the improvements constructed and installed thereon, provided (i) the term of the Lease Agreement does not exceed forty-six (46) years, and (ii) the maximum lease payments made by the City under the Lease Agreement in any twelve-month period, beginning on March 2 and ending on the succeeding March 1, shall not exceed $6,000,000 (the "Maximum Annual Lease Payment");

(b) the form of Site Lease, between the City and the Authority, pursuant to which the City will lease certain real property relating to the Public Parks Projects and the Police Headquarters Building to the Authority;

(c) the form of Facilities Lease (Communication Dispatch Center), between the City and the Authority, pursuant to which the City will lease its undivided one-half interest in and to the Communication Dispatch Center, together with its undivided one-half interest in the site upon which such facility is located, to the Authority;

(d) a form of Reimbursement Agreement, between the City and the Agency, pursuant to which the Agency will pay certain costs of the Public Parking Garage, and related improvements, to the City;

(e) a form of Escrow Agreement, between the Escrow Agent named therein and the City, pursuant to which the 1986 Certificates will be refunded and defeased; and

(f) a form of Continuing Disclosure Agreement, between the City and Harris Trust of California, as Dissemination Agent.

Section 2. The form of preliminary Official Statement describing the Bonds herewith submitted to the Authority is hereby approved and adopted as the Official Statement describing the Bonds, with such additions, corrections and revisions as may be determined to be necessary or desirable by the City Manager or the Interim Finance Director. The City Manager or the Interim Finance Director is hereby authorized to cause the distribution of a preliminary

Official Statement deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Act of 1934, as amended (the "Rule"), and to sign a certificate to that effect. The City Manager or the Interim Finance Director is further hereby authorized and directed to sign the final Official Statement. The Underwriter is hereby authorized and directed to cause to be printed and mailed to prospective purchasers of the Bonds copies of the preliminary Official Statement in substantially the form of the preliminary Official Statement approved and adopted hereby, as supplemented, corrected or revised with the approval of the Chairperson or Treasurer.

Section 3. A Purchase Contract among Stone & Youngberg LLC and Artemis Capital (collectively, the "Underwriter"), the Authority and the City relating to the purchase by the Underwriter of the Bonds, be and is hereby approved, and the City Manager or the Interim Finance Director is hereby authorized and directed to execute said agreement, with such changes, insertions and omissions as may be approved by such official, so long as the interest rate with respect to the Bonds will not produce annual lease payments in excess of the Maximum Annual Lease Payment and so long as the principal amount of the Bonds will not exceed $65,000,000 and so long as the Underwriter's discount shall not exceed one and one-half percent (1.5%) (net of the original issue discount) of the Bonds.

Section 4. The City hereby determines, upon the advice of Public Financial Management, Inc (the "Financial Advisor"), that it would be advantageous to guarantee the Lease Payments payable by the City under the Lease by an apportionment of Motor Vehicle License Fee Revenue allocated to the City pursuant to California Revenue and Taxation Code Section 11001 et seq. pursuant to Section 37351.5 of the Government Code of the State of California. The City Manager or the Interim Finance Director are hereby authorized and directed to provide notice to the State Controller in the manner provided in Section 37351.5, together with any other documents which they deem necessary or advisable.

Section 5. The City Manager, the Interim Finance Director, the City Clerk and all other appropriate officials of the City are hereby authorized and directed, jointly and severally, to do any and all things (including the purchase of a municipal bond insurance policy and/or surety bond to provide a debt service reserve for the Bond if, upon the advice of the City's financial advisor, the purchase of such insurance policy or surety bond shall be financially advantageous to the City) and to execute and deliver any and all documents which they deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds and otherwise to effectuate the purposes of this Resolution and the transactions contemplated hereby.

Section 6. This Resolution shall take effect upon its adoption by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by ~~Councilmember~~ Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

STATE OF CALIFORNIA)
COUNTY OF STANISLAUS) ss.
CITY OF MODESTO)

I, JEAN ADAMS, City Clerk of the City of Modesto, do hereby certify that the foregoing Resolution No. 98-81 was introduced and adopted at a regular meeting provided by law, of the City Council of the City of Modesto held on the 10th day of February, 1998, by the following vote of the members thereof:

AYES:	COUNCIL MEMBERS:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	COUNCIL MEMBERS:	Serpa
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Modesto this 17th day of February, 1998.

Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

I, JEAN ADAMS, City Clerk of the City of Modesto, do hereby certify that the foregoing is the original of Resolution No. 98-81 duly passed and adopted by the Modesto City Council on February 10, 1998.

Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-82

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

WHEREAS, City of Modesto (the "Issuer") is a municipal corporation and a charter city, established and authorized to transact business and exercise its powers, all under and pursuant to its Charter and the laws of the State of California; and

WHEREAS, the Issuer, on May 10, 1994, adopted Resolution No. 94-264, as supplemented by Resolution No. 95-99 adopted on February 21, 1995, (collectively, the "Prior Resolutions"), declaring its intention to reimburse itself from proceeds of certain tax-exempt financings made and/or to be made in connection with the acquisition, construction and equipping of certain capital improvements, and now desires to supplement the Prior Resolutions, as described herein; and

WHEREAS, the Issuer has paid, beginning no earlier than December 19, 1997, which date is not more than sixty (60) days prior to the adoption of this resolution, and will pay, on and after the date hereof, certain expenditures not described in the Prior Resolutions (the "Expenditures") in connection with the acquisition, construction and/or equipping of a police building and a dispatch center, which shall be additional components of the 10th Street Plaza Project (the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the City Council of the Issuer (the "City Council") has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AS FOLLOWS:

Section 1. The City Council hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made on

and after December 19, 1997, a date which is no more than 60 days prior to the date hereof. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. Recognizing that portions of the Project may not be eligible for financing on a tax-exempt basis, the maximum principal amount of the Bonds expected to be issued for the Project is $62,000,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Description of the Plaza Project

The Project is a mixed use development proposed for downtown Modesto. The total project includes the following:

A joint administrative office building for the City of Modesto and the County of Stanislaus. Included on the ground floor of the office building is retail space. The total square footage of the building is about 248,000, of which 220,000 is office space and 28,000 is retail space. The building is seven stories high, six stories of which are above grade and one below grade.

A parking garage of approximately 720 spaces. The garage is five stories, four of which are above grade and one below grade.

A retail building of approximately 12,000 square feet.

A cinema complex containing approximately 18 screens and 4,000 seats. The cinema complex would also contain about 4,000 square feet of retail space.

The Project shall also contain space for a police building and a dispatch center, each of which shall be located within the Project.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-83

Print

A RESOLUTION ADOPTING GUIDING PRINCIPLES FOR THE DEVELOPMENT OF A REGIONAL TRANSPORTATION POLICY.

WHEREAS, pursuant to a staff report dated January 30, 1998, from the Engineering and Transportation Department, it has been recommended by the Transportation Policy Committee that the City Council adopt a policy statement and guiding principles for the development of a regional transportation policy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby adopt a set of guiding principles, relating to the manner in which the Stanislaus Area Association of Governments (SAAG) should evaluate transportation policy, as set forth on the staff report dated January 30, 1998, from the Engineering and Transportation Department, a copy of which report (including guiding principles) is attached hereto marked Exhibit "A" and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NO. COUNCIL MEETING February 10, 1998

DATE: January 30, 1998

To: City Council

From: Engineering & Transportation

Subject: Guiding Principles Relative to Draft Regional Transportation Program

RECOMMENDED COUNCIL ACTION:

Adopt a set of guiding principles as to how SAAG should evaluate transportation policy.

BACKGROUND:

The Transportation Policy Committee (TPC) recommends that the City Council adopt the following policy statement:

SAAG and the agencies of the region are considering alternative proposals to improve service and reduce the cost of transit operations. In evaluating these proposals, Modesto suggests that the region be guided by the following principles:

1. Options for multi-jurisdictional agreements are preferred to options that establish new levels of bureaucracy.
2. Local service needs (schedules and levels of service) should be determined by the individual cities.
3. Accountability for financing, preparation of budgets, and expenditures of an agency's share of transit funds should be maintained at the local level.
4. Service should be coordinated within a regional context.
5. City transit needs should be integrated into each local community's economic development and land use planning processes.
6. Transit needs must be viewed in the context of the total transportation needs of the local communities and the region, as well as within the framework of the Transportation Development Act.
7. SAAG's currently established programs for Local Transportation Fund (LTF) cost sharing should be maintained in order to:
    a. Continue the availability of LTF money to local governments.
    b. Enhance coordination between local transit operators.
    c. Ensure operation of cost-effective transit services.
    d. Provide the recently established transit cost-sharing program (created by SB 344) the opportunity to function as intended.

REASON FOR RECOMMENDED ACTION:

The TPC recommends adoption of the guiding principles.

STEPS FOLLOWING APPROVAL:

Forward the adopted policy to the Stanislaus Area Association of Governments.

Prepared by: _____
Fred Cavanah
Transit Manager

Recommended by: _____
Richard J. Ramirez,
Interim Engineering & Transportation Director

Submitted by: _____
J. Edward Tewes
City Manager

FC/Regional Transit Council Agenda Item

MODESTO CITY COUNCIL
RESOLUTION NO. 98-84

Print

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH REQUESTS FOR QUALIFICATIONS AND PROPOSALS FOR STREET SWEEPING SERVICES AND TO DELAY A DECISION ON WATER METER READING AND UTILITY BILLING/COLLECTION FOR TWELVE MONTHS.

WHEREAS, City staff has recommended that authorization be given to staff to proceed with Requests for Qualifications and Proposals (RFQ&P) for street sweeping services, and

WHEREAS, in relation to water meter reading/utility billing and the collection process, staff has been assisted by David M. Griffiths, Inc., a financial and personnel consulting firm, and

WHEREAS, due to the conversion to a new utility billing software package, said consultant recommended that staff not proceed with the utility billing and collection portion of this managed competition project for a twelve-month period, until the new software system is fully operational,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with formal Requests for Qualifications and Proposals (RFQ&P) for street sweeping services.

BE IT FURTHER RESOLVED that the Council authorizes City staff to delay a decision on water meter reading and utility billing/collection for a twelve-month period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-85

Print

A RESOLUTION APPROVING THE DELAY OF A DECISION ON WATER METER READING AND UTILITY BILLING/COLLECTION FOR TWELVE MONTHS.

WHEREAS, City staff has recommended that authorization be given to staff to proceed with Requests for Qualifications and Proposals (RFQ&P) for street sweeping services, and

WHEREAS, in relation to water meter reading/utility billing and the collection process, staff has been assisted by David M. Griffiths, Inc., a financial and personnel consulting firm, and

WHEREAS, due to the conversion to a new utility billing software package, said consultant recommended that staff not proceed with the utility billing and collection portion of this managed competition project for a twelve-month period, until the new software system is fully operational,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with formal Requests for Qualifications and Proposals (RFQ&P) for street sweeping services.

BE IT FURTHER RESOLVED that the Council authorizes City staff to delay a decision on water meter reading and utility billing/collection for a twelve-month period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Zahr
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-86

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH THE STATE OF CALIFORNIA FOR FUNDING FOR A SMALL BUSINESS ADMINISTRATION GRANT TO PLANT TREES.

WHEREAS, on January 13, 1998, the City Council authorized the City Manager to sign a grant application for $20,000 in funding from the Federal Small Business Administration for the purpose of contracting with small businesses for the purchase and planting of trees on public easements, and

WHEREAS, in order to receive funding, a signed contract is required,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designees are hereby authorized and directed to execute a contract between the City of Modesto and the Department of Forestry and Fire Protection, contract number 8CA97303, regarding the distribution of grant funds under the Small Business Administration Tree Planting Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-87

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE $20,000 IN GRANT REVENUE AND APPROPRIATE EXPENDITURES FOR TREE PLANTING

WHEREAS, a grant application was approved from the Federal Small Business Administration in the amount of $20,000 for the purpose of contracting with small businesses for the purchase and planting of trees on public easements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
#010-470-4712-3134	$20,000
Expenditure	
#010-470-4712-1500	$20,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-88

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO ANY CONTRACTS OR MEMORANDA OF UNDERSTANDING WITH SERVICE PROVIDERS FOR EARTH DAY IN THE PARK 1998 AND ANY FUTURE EARTH DAY EVENTS.

WHEREAS, the Citizens Advisory Committee on Recycling (CACOR) has scheduled Saturday, April 25, 1998, for the 9th annual Earth Day in the Park in the City of Modesto, and

WHEREAS, the Modesto Jaycees propose to coordinate all activities for Earth Day and participate in fund-raising efforts as recommended by CACOR, and

WHEREAS, the Citizens Advisory Committee on Recycling has requested that the City Council authorize the City Manager to enter into contracts or memoranda of understandings with service providers for Earth Day in the Park 1998 and any further Earth Day events,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designees are hereby authorized to enter into contracts or memoranda of understandings with service providers for Earth Day in the Park 1998 and any further Earth Day events.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-89

A RESOLUTION APPROVING A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND TURLOCK IRRIGATION DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the revocable license agreement between the City of Modesto and Turlock Irrigation District be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said revocable license agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-90

A RESOLUTION ACCEPTING IMPROVEMENTS IN VILLAGE HIGHLANDS PHASE 1 AND AUTHORIZING RELEASE OF BONDS UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Inland Village, a California General Partnership, subdividers of Village Highlands Phase 1 have filed a Subdivision Faithful Performance Bond for faithful performance, and a Subdivision Payment Bond for labor and materials in the amount of $717,310.00 and $358,655.00 respectively to guarantee improvements in Village Highlands, Phase 1 and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department; and

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

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

1. The improvements in Village Highlands, Phase 1, Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond for faithful performance in the amount of $717,310.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Payment Bond for labor and materials in the amount of $358,655.00 upon expiration the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-91

A RESOLUTION ACCEPTING REAL PROPERTY, LOCATED AT 618 AND 622 14TH STREET, FROM THE ESTATE OF DANIEL SORANNO, AND AUTHORIZING THE CITY MANAGER TO OPEN AN ESCROW AND EXECUTE RELATED DOCUMENTS.

WHEREAS, the Trust of Daniel Soranno states that upon his death certain real property located at 618 and 622 14th Street in the City of Modesto shall be distributed to the City of Modesto, a municipal corporation, upon certain terms, and

WHEREAS, the City of Modesto is willing to accept said real property as a gift from the Estate of Daniel Soranno and agree to said terms, and

WHEREAS, upon acceptance of said real property the Trustee, William McManis, for the Trust of Daniel Soranno, will execute a Trustee Deed and deliver the Trustee Deed to an escrow agent designated by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the real property, located at 618 and 622 14th Street in the City of Modesto, as a gift from the Estate of Daniel Soranno, said property is more particularly described in the attached Exhibit "A", subject to the following conditions:

1. That said property shall be used solely for civic purposes.

2. That should the City declare said property to be surplus, should said property be listed for sale, or should said property not be used for civic purposes, said property shall revert to the trust and be distributed to the residuary beneficiary of the Daniel Soranno Trust, s set forth in subparagraph 2(c) of Article Four of the Daniel Soranno Trust.

3. That said property shall be dedicated to the Trustor's parents, Daniel and Mary Soranno.

BE IT FURTHER RESOLVED that the City Manager or his authorized designees is hereby authorized to accept said real property, to proceed to open and close an escrow, and to execute any other documents necessary in relation to accepting said real property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith and Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

All that certain real property situate in the County of Stanislaus, State of California, described as follows:

PARCEL NO. 1:
LOTS 27 AND 28 IN BLOCK 115 OF THE CITY OF MODESTO, ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA, ON DECEMBER 21, 1942 IN VOLUME 15 OF MAPS.
APN: 002-173/006-13-16-491

PARCEL NO. 2:
ALL OF LOT 26 AND A PORTION OF LOT 25 IN BLOCK 115 OF THE CITY OF MODESTO, ACCORDING TO THE OFFICIAL MAP THEREOF, FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ON DECEMBER 21, 1942 IN VOLUME 15 OF MAPS, BOUNDED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE EASTERLY SIDE OF 14TH STREET WHERE IT IS INTERSECTED BY THE DIVIDING LINE BETWEEN LOTS 26 AND 27 IN SAID BLOCK 115; RUNNING THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF 14TH STREET, 41 FEET AND 8 INCHES; THENCE AT RIGHT ANGLES AND PARALLEL TO THE LINE BETWEEN SAID LOTS 26 AND 27 IN A NORTHEASTERLY DIRECTION 140 FEET TO THE WESTERLY LINE OF THE ALLEY RUNNING THROUGH SAID BLOCK; THENCE IN A NORTHWESTERLY DIRECTION ALONG THE WESTERLY LINE OF SAID ALLEY, 41 FEET AND 8 INCHES TO THE LINE BETWEEN LOTS 26 AND 27; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE LINE BETWEEN SAID LOTS, 140 FEET TO THE PLACE OF BEGINNING.
APN: 002-173/106-13-15-491

Description Proof-read by: MF/BMT

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-92

A RESOLUTION APPOINTING RAY FELLER AS THE PLANNING COMMISSION'S REPRESENTATIVE TO THE BOARD OF ZONING ADJUSTMENT

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

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

SECTION 1. Ray Feller is hereby appointed as the Planning Commission's representative to the Board of Zoning Adjustment, with a term expiration of January 1, 1999.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed Planning Commission representative to the Board of Zoning Adjustment, and the Secretaries thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-93

A RESOLUTION APPOINTING SHEILA BRITTON AND JERRY SAULS TO THE ANTI-GRAFFITI STEERING COMMITTEE

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

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

SECTION 1. Shiela Britton and Jerry Sauls are hereby appointed to the Anti-Graffiti Steering Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Anti-Graffiti, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-94

A RESOLUTION PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY.

WHEREAS, Chapter 4 of Title III of the Modesto Municipal Code and Section 8630 of the California Government Code empower the Modesto City Council to proclaim the existence or threatened existence of a local emergency when the City of Modesto is affected or likely to be affected by a public calamity, and

WHEREAS, conditions of extreme peril to the safety of persons and property exist due to recent unprecedented amounts of rainfall, and

WHEREAS, the Modesto Irrigation District has reported that February 1 through February 8, 1998, was the wettest week during the past 110 years, and

WHEREAS, state and federal officials who monitor weather patterns report that there is a possibility of continued heavy rainfall in the immediate future, and

WHEREAS, the unprecedented rainfall has resulted in the accumulation and migration of significant amounts of surface water so as to imperil the safety of persons and property within the City of Modesto.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED that a local emergency exists within the City of Modesto, that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Modesto.

BE IT FURTHER RESOLVED by the City Council that pursuant to Section 3-4.06 of the Modesto Municipal Code, the City Manager acting in his capacity as Director of

Emergency Services is hereby empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property in the City of Modesto as affected by this emergency; provided, however, that such rules and regulations shall be confirmed at the earliest practical time by the City Council, and to otherwise exercise the powers conferred upon him by said Section 3-4.06 of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-95

A RESOLUTION VACATING AND ABANDONING ALLEYS AND RESERVING EASEMENTS FOR PUBLIC UTILITY SERVICE LINES LOCATED IN BLOCK 451 OF THE CITY OF MODESTO TO FACILITATE EXPANSION AND ADDITION OF BUILDINGS AND PARKING AREAS SERVING EMANUEL LUTHERAN CHURCH, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF COLLEGE AND STODDARD AVENUES AT 324 COLLEGE AVENUE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 98-36 on January 13, 1998, declaring its intention to vacate and abandon alleys and reserve easements for public utility service lines located in Block 451 of the City of Modesto, to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue, and

WHEREAS, said alleys to be vacated and abandoned and easements to be reserved for public utility service lines are more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 98-36 was published in *The Modesto Bee*, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Community Development Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously along

the lines of the property proposed to be vacated and abandoned at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, February 17, 1998, at 7:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, the Planning Commission recommended that the abandonment be made subject to the condition contained in Planning Commission Resolution No. 97-83, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highway Code Sections 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law in order to vacate and abandon said alleys have been done and accomplished, and

WHEREAS, the Council finds and declares that the alleys to be vacated and abandoned, located in Block 451 of the City of Modesto, to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue are unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest, and that easements should be reserved for public utility service lines, and

WHEREAS, on October 9, 1997, the City's Community Development Department, by Environmental Assessment Initial Study No. 97-125, judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities,

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

1. That the alley right-of-way in the block bound by College and Stoddard Avenues and the Tidewater Southern Rail Road right-of-way is unnecessary for present or future public use, since the Emanuel Lutheran Church facility will occupy the entire block.

2. That utility easements will remain in place to serve water and storm sewer lines and that the proposed expanded church facility plan proposes no buildings within utility easements.

3. That the abandonment and vacation of the alley right-of-way is in conformance with the City of Modesto General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of the alleys located in Block 451 of the City of Modesto, to facilitate expansion and additions of buildings and parking areas serving Emanuel Lutheran Church, property located at the southeast corner of College and Stoddard Avenues at 324 College Avenue. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the easements, as shown on Exhibit "B", shall be reserved for public utility service lines.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Community Development Department
Development Services

EXHIBIT "A"

mid-valley engineering
A Professional Corporation
Land Planning ○ Engineering ○ Surveying
900 "H" Street, Suite G ○ Modesto, CA 95354 ○ (209) 526-4214 ○ FAX (209) 526-0803

February 6, 1998
Job No. 70-838

LEGAL DESCRIPTION TO ACCOMMODATE ABANDONMENT OF ALLEYS AND ROADS (EMANUEL LUTHERAN CHURCH)

ALL that certain real property situate in a portion of the Northwest quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of LOT 15 of Block 451 of the City of Modesto, as shown on the map filed in Volume 15 of maps, Stanislaus County Records; thence along the West line of said Lot 15, North 00°00'00" East, a distance of 20.00 feet; thence along a line parallel to the South line of said Lot 15, South 87°54'00" East, a distance of 72.29 feet to the POINT OF BEGINNING of a curve from which a radial line bears South 33°45'36" East, said curve having a radius of 40.00 feet and a central angle of 158°19'57"; thence Southeasterly along the arc of said curve, a distance of 110.54 feet to point on the East line of the alley in said Block 451, said point being the POINT OF BEGINNING of a reverse curve from which a radial line bears North 85°57'27" East, said curve having a radius of 192.27 feet and a central angle of 34°52'49", thence Southeasterly along said reverse curve, a distance of 117.05 feet to a point on the Northerly line of the 20.00 foot wide Terminal Avenue in said Block 451; thence Northeasterly along said Northerly line of Terminal Avenue of said Block 451 and Block 452 of the City of Modesto, as shown on the map filed in Volume 15 of Maps, Stanislaus County Records; North 45°32'52" East, a distance of 329.93 feet to the Northeast corner of said Block 452, said point lies on the South line of Stoddard Avenue in said Block 452; thence South 87°54'00" East, along said South line of Stoddard Avenue, a distance of 27.55 feet to a point on the Southerly line of said Terminal Avenue; thence South 45°32'52" West along said southerly line of Terminal Avenue, a distance of 476.72 feet to a point on the East line of College Avenue in said Block 451; said point lies on a curve from which a radial line bears North 45°17'35" East; said curve having a radius of 319.27 feet and a central angle of 03°35'28"; thence Northwesterly along the arc of said curve, a distance of 20.01 feet to the Northerly line of said Terminal Avenue; thence North 45°32'52" East along said Northerly line of Terminal Avenue, a distance of 107.22 feet to a point on the West line of said alley in Block 451, said point lies on a curve from which a radial line bears North 50°33'22" East; said curve having a radius of 212.27 feet and a central angle of 39°26'38"; thence Northwesterly along the arc of said curve, a distance of 146.13 feet; thence continuing along said West line of the alley in Block 451, North 00°00'00" East, a distance of 21.13 feet to the Southeast corner of said LOT 15; thence North 87°54'00" West along the South line of said LOT 15, a distance of 107.00 feet to the POINT OF BEGINNING of this description.

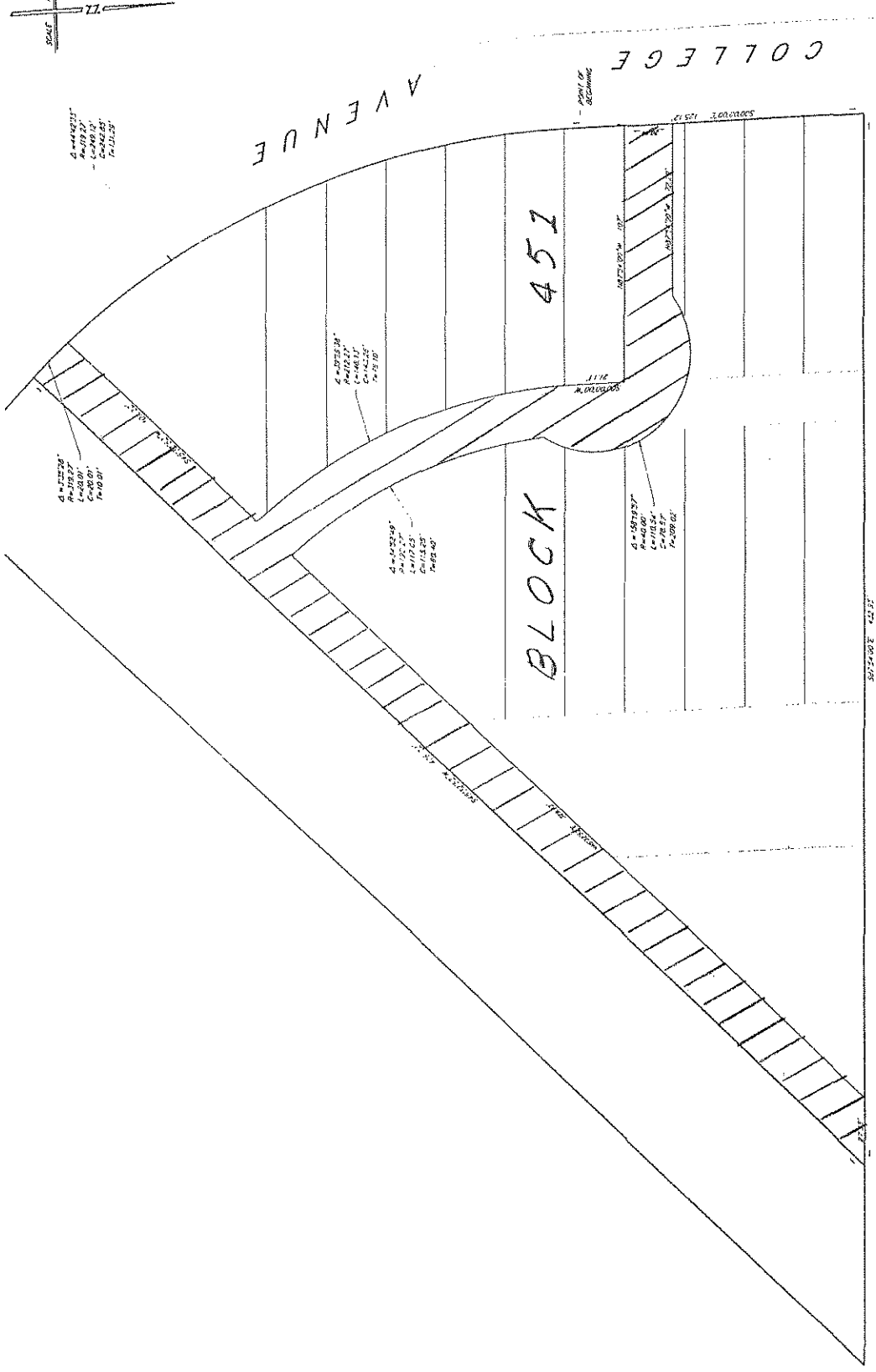
The above described alleys to be abandoned are to be reserved as public utility easements.

Containing 15,515 square feet (0.36 acres), more or less.

PROFESSIONAL LAND SURVEYOR
CROLIE E LINDSAY, JR.
NO. 4709
EXP. 09/30/99
STATE OF CALIFORNIA

Crolie E. Lindsay, L.S. 4709

EXHIBIT "B"



alleys to be abandoned and reserved as P.U.E

PLAT TO ACCOMPANY LEGAL DESCRIPTION

EMANUEL LUTHERAN CHURCH

MODESTO CALIFORNIA

mid valley engineering

LAND PLANNING ENGINEERING & SURVEYING

500 H STREET, SUITE G
MODESTO, CALIFORNIA, 95354

(209) 526-4214
FAX 526-0803

Drawn RKLEP
Date 11/29/01 10:25
Scale 1" = 20'
Job No. 20-838
Checked RDD M
Dwg. 838ACE
File No.

SHEET 1 OF 2 SHEETS

RESOLUTION VACATING STREET, ALLEY OR RIGHT-OF-WAY

File 16.5-2

	2	Clerk
	2	Attorney
	1	Public Works
	1	Engineering Services
	1	Fire
	1	Police
*	1	County Recorder
	1	MID
	1	PG&E
	1	Pacific Bell
	1	Del Este Water Co.
	13	

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
Attn: Helen Hoskins
44 West Yokuts
Stockton, CA 95207

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353

* Temporary Closings do not Record

Clerk 5

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-96

A RESOLUTION VACATING AND ABANDONING A SIX-FOOT-WIDE PUBLIC WALKWAY CONNECTING LORD AVENUE WITH THE ADJACENT P-D(21) COMMERCIAL DEVELOPMENT AND LOCATED BETWEEN 3323 AND 3327 LORD AVENUE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 98-35 on January 13, 1998, declaring its intention to vacate and abandon a six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue, and

WHEREAS, said six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue to be vacated and abandoned is more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 98-35 was published in *The Modesto Bee*, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Community Development Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously along the lines of the property proposed to be vacated and abandoned at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and

WHEREAS, by Resolution No. 97-96, the Planning Commission recommended to the Council the vacation and abandonment of said six-foot-wide public walkway, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, February 17, 1998, at 7:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highway Code Sections 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law in order to vacate and abandon said public walkway have been done and accomplished, and

WHEREAS, the Council finds and declares that the six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue is unnecessary for present or prospective public walkway purposes, and that the vacation and abandonment thereof is in the public interest, and

WHEREAS, on November 24, 1997, the City's Community Development Department, by Environmental Assessment Initial Study No. 97-137, judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities,

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

1. That the abandonment of the walkway located between two residential lots at 3323 and 3327 Lord Avenue will tend to eliminate security

problems and increase safety for the adjacent commercial office complex and residential neighborhood.

2. That the abandonment and vacation of the walkway is in conformance with the City of Modesto General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of the six-foot-wide public walkway connecting Lord Avenue with the adjacent P-D(21) commercial development and located between 3323 and 3327 Lord Avenue. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Community Development Department
Development Services

OLD REPUBLIC TITLE COMPANY

ORDER NO. 501154-CG
FIRST AMENDED REPORT

The land referred to in this Report is situated in the County of Stanislaus, City of Modesto State of California, and is described as follows:

That certain 6 foot walk, being a portion of Block 13129, Map of Tully Manor No. 2, according to the Official Map or Plat thereof filed for record April 28, 1965 in Volume 21 of Maps and Plats, at Page 8, Stanislaus County Records, which lies South and contiguous to the South line of Lot 1, and which lies North and contiguous to the North line of Lot 7 of said Tully Manor No. 2.

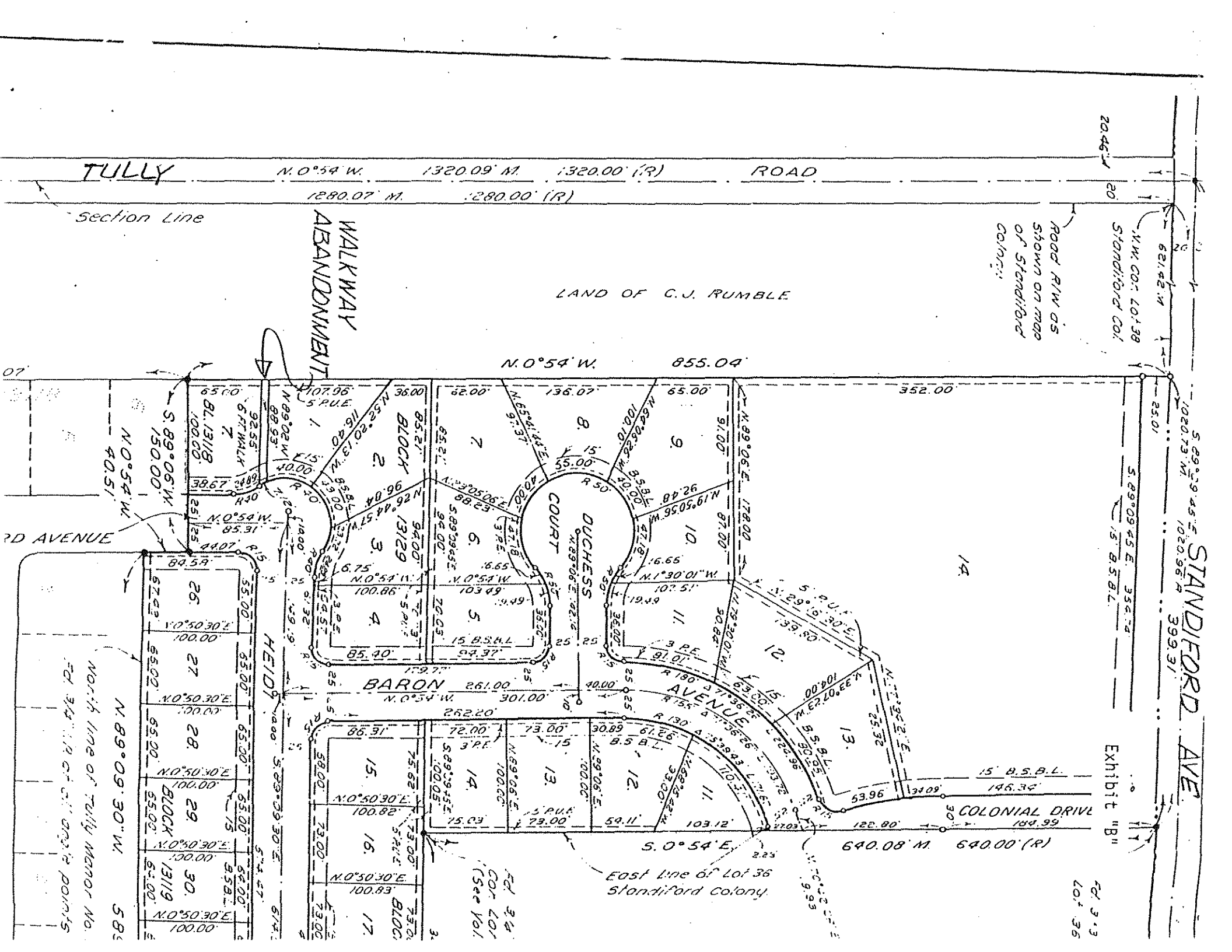
At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and Special, for the fiscal year 1997 - 1998 a lien, but not yet due or payable.

2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

3. An easement for public walk purposes over the land herein described, as dedicated to and for the public use, and accepted by the City Council of the City of Modesto, County of Stanislaus, by the Map of Tully Manor No. 2 herein described.

4. Private easements for ingress and egress to and from the 6 foot walk, in favor of the owners of other lots on the map herein referred to, such easements having been acquired under conveyance of lots by reference to said map.


TULLY
ROAD
N. 0°54' W. 1320.09' M. 1320.00' (R)
1280.07' M. 1280.00' (R)
Section Line
WALKWAY ABANDONMENT
LAND OF C.J. RUMBLE
Road R/W as shown on map of Standiford Colony
N.W. Cor. Lot 38 Standiford Col.
STANDIFORD AVE.
399.31'
Exhibit "B"
N. 0°54' W. 855.04'
352.00
S. 89°09'45" E. 1020.98' M.
S. 89°09'45" E. 1020.73' M.
621.42' M.
20.46'
N. 89°09'30" W. 580.
BLOCK 2
BLOCK 3129
COURT
DUCHESS
AVENUE
BARON
HEIDI
AVENUE
COLONIAL DRIVE
BLOCK 29
BLOCK 13119
BLOCK 30
BLOCK 17
N. 0°54' W. 150.00'
N. 0°54' W. 40.51'
N. 89°09'30" W.
North line of Tully Manor No.
S. 0°54' E. 640.08' M. 640.00' (R)
East Line of Lot 36 Standiford Colony
For S.E. Cor. Lot 1 (See Vol.
For S.W. Cor. Lot 36
S. 89°09'45" E. 399.31'
S. 0°54' E.
N. 0°54' W.
N. 0°50'30" E.
100.00'
100.82'
100.83'
73.00'
65.00'
55.00'
S. 89°09'45" E. 175.00'
N. 89°09'45" E. 175.00'
N. 63°41'44" E. 97.37'
N. 63°08'26" W. 100.10'
N. 19°50'56" W. 92.48'
N. 1°30'01" W. 107.51'
N. 0°54' W. 103.49'
N. 0°54' W. 100.86'
N. 0°54' W. 85.31'
S. 89°09'45" E. 139.60'
N. 89°09'45" E. 178.00'
N. 89°09'45" E. 104.00'
S. 89°09'45" E. 354.74'
S. 89°09'45" E. 100.00'
S. 89°09'45" E. 75.03'
S. 89°09'45" E. 100.05'
N. 89°09'45" E. 100.00'
N. 89°09'45" E. 100.00'
N. 89°09'45" E. 100.00

RESOLUTION VACATING STREET, ALLEY OR RIGHT-OF-WAY

File 16.5-2

	2	Clerk
	2	Attorney
	1	Public Works
	1	Engineering Services
	1	Fire
	1	Police
*	1	County Recorder
	1	MID
	1	PG&E
	1	Pacific Bell
	1	Del Este Water Co.
	13	

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
Attn: Helen Hoskins
44 West Yokuts
Stockton, CA 95207

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353

* Temporary Closings do not Record

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-97

A RESOLUTION GRANTING AN APPEAL FILED BY REDEV, INC., TO A PLANNING COMMISSION DECISION, AND APPROVING AMENDMENT NO. 13 TO THE VILLAGE ONE SPECIFIC PLAN AND AN AMENDMENT TO PRECISE PLAN NO. 3.

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, Government Code Section 65453 permits the amendment of Specific Plans as often as deemed necessary by the legislative body, and the Council has adopted twelve (12) such amendments to the Village One Specific Plan by Resolutions adopted by the Council from time to time, and

WHEREAS, the Village One Specific Plan designates several sites for Multi-family development, including a 9.8 acre site located in Precise Plan No. 3, and a Precise Plan for Area No. 3 which was adopted by the City Council on December 16, 1996, and which provided for the development of a multi-family site, and

WHEREAS, Redev, Inc., filed an application with the City of Modesto to amend the Village One Specific Plan and to amend Precise Plan for Area No. 3 for the purpose of redesignating the 9.8 acre site from Multi-family to Village Residential, to allow

for the development of a Single-family subdivision, (Wildflower Subdivision), and the Principal Underlying Zone from a Medium-High-Density Residential, R-3, Zone, to a Low-Density Residential, (R-1), Zone, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on January 26, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, at which hearing evidence both oral and documentary was received and considered on this application, and

WHEREAS, the Planning Commission by its Resolution No. 98-07 denied the application of Redev, Inc., for an amendment to the Village One Specific Plan and denied an amendment to Precise Plan No. 3 for the reasons set forth in said Resolution No. 98-07, and

WHEREAS, pursuant to Section 10-1.105 of the Modesto Municipal Code, an appeal to the decision of the Planning Commission's denial of the application was filed with the Office of the City Clerk by letter dated January 27, 1998, from David O. Romano, P.E., AICP, of Normoyle and Newman on behalf of Redev, Inc., requesting an amendment to the Village One Specific Plan and Precise Plan No. 3 to redesignate 9.8 acres of Multi-family to Village Residential, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on February 17, 1998, at 7:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said appeal to the denial of the Specific Plan and Precise Plan

Amendments for Area No. 3 of the Village One Specific Plan, for the purpose of redesignating the 9.8 acre site from Multi-family to Village Residential, to allow for the development of a Single-family subdivision, should be granted,

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

SECTION 1. That the Appeal filed by Redev, Inc., to a Planning Commission Decision Denying an Amendment to the Village One Specific Plan and an Amendment to Precise Plan No. 3, to Redesignate 9.8 Acres from Multi-Family to Village Residential for the development of a Single-family subdivision, (Wildflower Subdivision), is hereby granted for the following reasons, and the decision of the Planning Commission is hereby overruled:

1. The proposed Specific Plan Amendment and Precise Plan Amendment do not decrease the amount of multi-family housing in Village One below the Specific Plan's goal of providing 20% of the housing as multi-family housing.

2. The proposed Specific Plan Amendment and Precise Plan Amendment will not significantly affect the City's ability to meet the affordable housing goals of the General Plan Housing Element.

3. The proposed Specific Plan Amendment and Precise Plan Amendment are consistent with the Guiding Principles and Comprehensive Policies of the Village One Specific Plan.

SECTION 2. That the Council hereby adopts said Amendment No. 13 to the Village One Specific Plan to redesignate 9.8 acres from Multi-Family to Village Residential as follows:

1. Table II-1 on page II-48, entitled "Village One, Residential Development Program";

ATTACHMENT

VILLAGE ONE
SPECIFIC PLAN AMENDMENT NO. 13 FOR
PRECISE PLAN AREA #3

2. Table II-1 on page II-49, entitled "Village One Single-Family Residential Mix", etc.;

3. Figure 11-1 on page II-53, entitled "Land Use Diagram"; and

4. Figure III-4, on page III-14 and III-15, entitled "Precise Plan Area #3".

Copies of said revisions are attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

VILLAGE ONE
SPECIFIC PLAN AMENDMENT FOR
PRECISE PLAN AREA #3 (Pg. III-14 Specific Plan)

This amendment would redesignate Sub-Area "B" of Precise Plan Area #3, consisting of 9.8 acres, from Multi-Family to Village Residential and the Principal Underlying Zone from R-3, Medium High Density Residential, to R-1, Low-Density Residential, as follows:

Details of Amendment:

1. Acreage: Changed from 34.4 acres to 38.8 acres (original in error).

APN 77-09-02	=	19.61 acres
APN 77-09-43	=	1.00 acres
APN 77-09-44	=	18.14 acres
Total	=	38.75 acres

2. Land Use Intensity:
   a. Village Residential; changed from 24.6 acres to 38.8 acres (of which 0.0 acres are devoted to noise setback area).
   b. Multi-Family; deleted 9.8 acres.

3. Special Considerations:
   a. Within the Precise Plan Area, only single-family residential uses shall be allowed.
      1. The average number of dwelling units is 212 (changed from 123).
   b. (No change) Development in this Precise Plan Area shall conform to the "Noise Mitigation for Residential Precise Plan Areas" policy presented in Section III-D(12).
   c. Deleted 9.8 acres of Multi-Family consisting of a maximum number of units of 257 and a minimum of 232.
   d. (No change) The Precise Plan shall provide pedestrian access to the commercial area in Precise Plan Area #2 consistent with Section II(G)(1) in Chapter II.

4. Principal Underlying Zone(s):
   a. R-1, Low Density Residential
   b. Deleted "Sub-Area B", R-3, Medium High Density Residential.

Need for Amendment:

The property is situated between Symphony Park, a single-family subdivision, on the east, the existing commercial development on the northwest, and proposed single-family development on the south and southwest. The owner would like to develop his property, but it would be economically impossible to farm a remainder parcel of nine acres while waiting for a multi-family housing market to develop. Studies have shown that a need for high density residential is still sometime away.

Need for Amendment (cont'd):

The owner would like to develop the total 20 acres with a mix of lot sizes ranging from fifty feet to sixty-eight feet wide which would provide a neighborhood with a variety of housing types. This would not be feasible on just 10 acres.

The slope of the land is from Sylvan on the north to Hillglen (Road Q) on the south. The street grades would follow this same general pattern eventually draining to the 60 inch diameter storm drain trunk in Hillglen (Road Q). To provide for this connection, a street is needed from Hillglen (Road Q) running north to Maestro Way.

The amendment will conform to the Specific Plan Guiding Principles. Better pedestrian access will be provided to the neighborhoods to the south and east and to the commercial development to the west. The change allows a better flow from neighborhood to neighborhood and on to the schools, parks and the Village Center core. There will be a reduction in traffic from the proposed land use.

The street pattern will allow fewer driveways on the connector streets Road E and Hillglen Drive (Road Q) reducing the conflicts with vehicles, bicycles and pedestrians. The additional streets will provide more open space and landscaped front yards enhancing the overall quality of life.

A proposed amendment to adopted Precise Plan Area #3 is part of this application so it will be compatible with the Specific Plan Amendment. The change will not affect any other adopted Precise Plans.

The amendment would amend the Land Use Diagram shown on Figure II-1 on page II-53 to redesignate the Multi-Family to Village Residential. The amendment is consistent with all other Land Use Designations.

The amendment is in conformance with the Circulation Plan, the Public Facilities and Infrastructure Master Plan, Schools, Parks, Community Design Policies, and the E.I.R. mitigation measures. Since the amendment proposes a less intense land use there will be no impact to the adopted Environmental Impact Report.

REVISED VILLAGE ONE SPECIFIC PLAN PAGES

Table II-1 (page 1 of 2)

VILLAGE ONE
RESIDENTIAL DEVELOPMENT PROGRAM

Housing Type	Units	Percentage	Acres
Single-Family (Ranchettes)	87	1%	44
Single-Family	4839	69%	964
Multi-Family			
Senior Housing	600		
Multi-Family	1485		
Mixed-Use	50		
Subtotal	2135	30%	70
Total	7061	100%	1078

Note: The acreage is gross acreage. The single-family acreage includes 26 acres devoted to noise setback areas, that will not contain residential dwellings. The total units may exceed 8,000 only if a supplement to the EIR is prepared and certified and a Specific Plan Amendment approved.

Table II-1 (page 2 of 2)

VILLAGE ONE
SINGLE-FAMILY RESIDENTIAL MIX
ASSUMPTIONS USED UPON WHICH TO BASE
YIELD FOR COST ASSESSMENT PURPOSES

As experience with approved project grows, the assumptions can be modified if actual density averages are significantly higher or lower than five dwelling units per gross acre/

The assumptions:

Lot Size	% Mix	Net* Square Feet	Dwelling Unit Yield
5,000 square foot lots	48%	11,590,026	2,323
6,000 square foot lots	42%	12,243,597	2,033
7,500 square foot lots	10%	3,607,770	483
TOTAL	100%	27,441,393	4,839

* Gross acreage less 25% for streets and 10% for inefficiencies.

Assume a yield of 4,839 single-family dwelling units, and an average lot size of 5,700 square feet that translates into:

7.6 dwelling units per net acre, average
5.0 dwelling units per gross

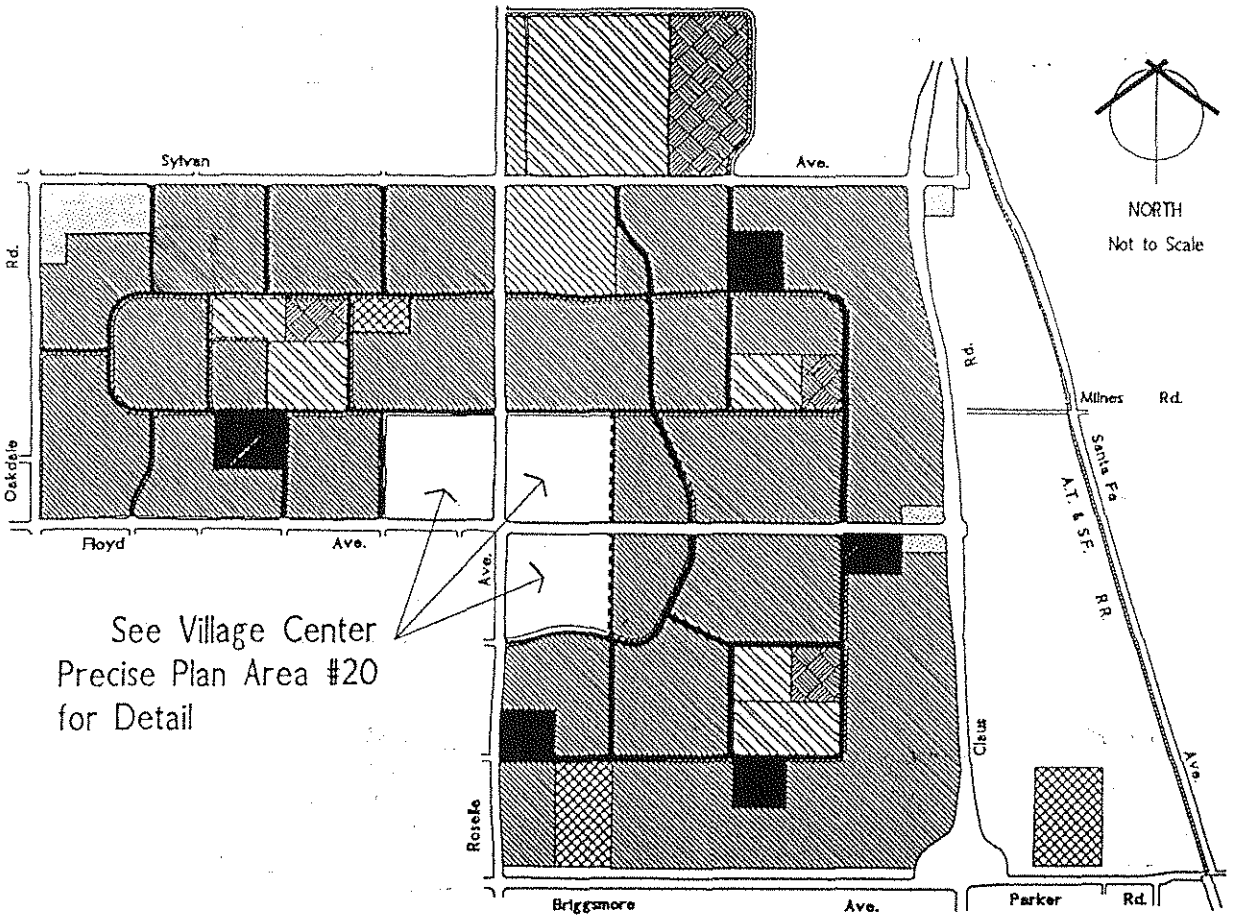


Figure II-1

LAND USE DIAGRAM

- Very Low Density
- Village Residential
- Multi-Family
- Industrial/Business Park
- Community Facilities
- General Commercial
- School
- Public Park
- Expressway
- Arterial
- Connector
- Residential
- Bike Trail & Landscape Setback Area

PRECISE PLAN AREA #3 AMENDED
(Figure III-4)

1. Acreage: 38.8 Acres
(of which 0.0 Acres are devoted to noise setback area)

2. Land Use Intensity

   a. Village Residential 38.8 acres
   (of which 0.0 Acres are devoted to noise setback area)

3. Special Considerations

   The Precise Plan shall incorporate the following policies:

   a. Within the Precise Plan Area, only single-family residential uses shall be allowed.

      1. The average number of dwelling units is 212.

   b. Development in this Precise Plan Area shall conform to the "Noise Mitigation for Residential Precise Plan Areas" policy presented in Section III-D (12).

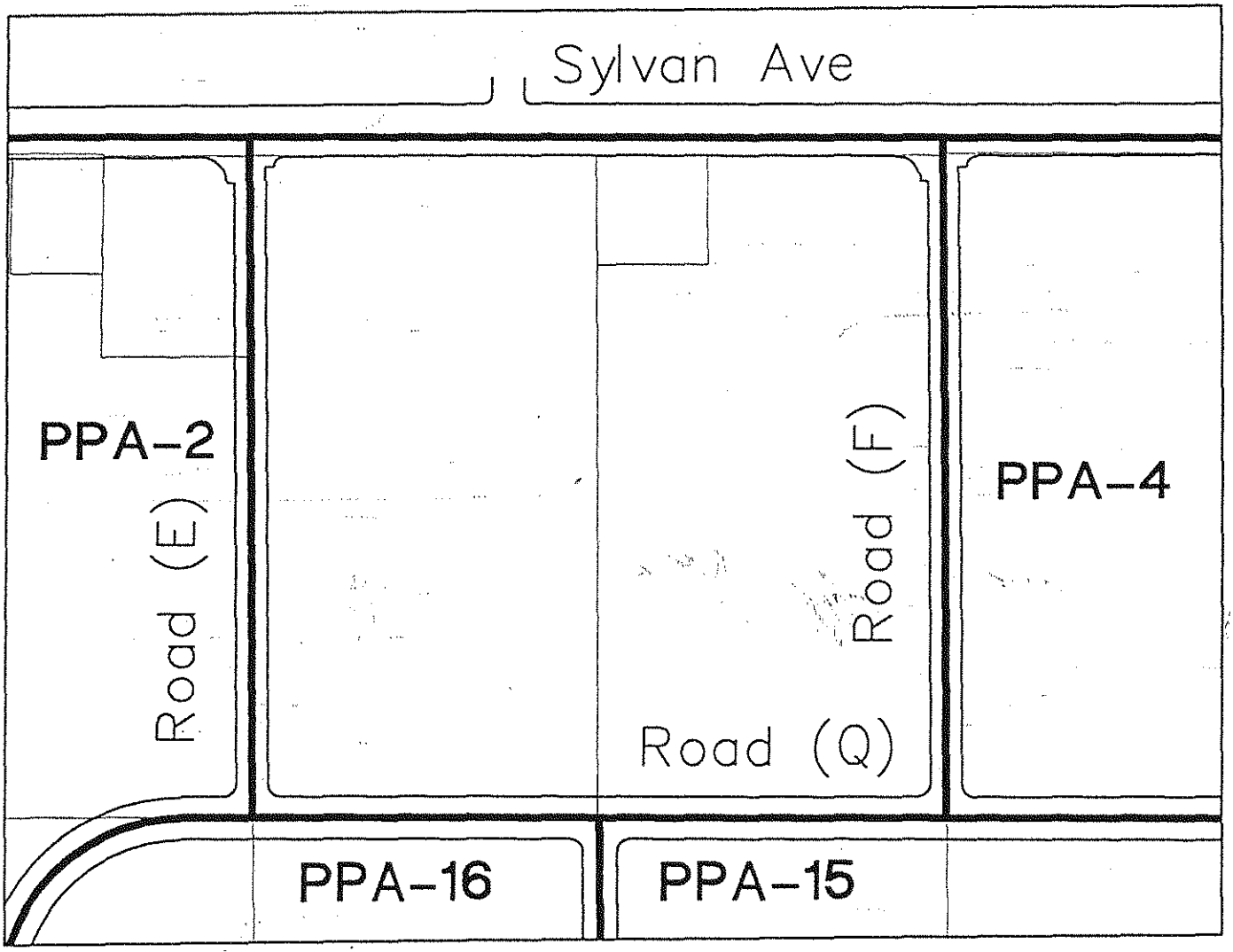
   c. The Precise Plan shall provide pedestrian access to the commercial area in Precise Plan Area #2 consistent with Section II(G)(1) in Chapter II.

4. Principal Underlying Zone(s)

   a. R-1, Low-Density Residential

Figure III - 4

Precise Plan Area #3



MODESTO CITY COUNCIL
RESOLUTION NO. 98-97A

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181) AS AMENDED BY THE SUPPLEMENTAL EIR: VILLAGE ONE SPECIFIC PLAN AMENDMENT NO. 13 AND AMENDMENT TO PRECISE PLAN NO. 3 TO REDESIGNATE 9.8 ACRES FROM MULTI-FAMILY TO VILLAGE RESIDENTIAL. (REDEV, INC.)

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

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

WHEREAS, Redev, Inc., has applied for an amendment to the Village One Specific Plan and an amendment to Precise Plan No. 3 for the purpose of redesignating the 9.8 acre site from Multi-family to Village Residential, to allow for the development of a single-family subdivision, and

WHEREAS, on January 15, 1998, the City's Community Development Department reviewed the project to determine if said project might have a significant effect on the environment, and

WHEREAS, by Environment Assessment No. 98-03 findings have been made that the proposed project is within the scope of the Village One Program EIR (SCH 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission by Resolution No. 98-07 adopted on January 26, 1998, and City staff by report dated February 5, 1998, from the Community Development Department, recommended to the City Council denial of amendment to the Village One Specific Plan and amendment to Precise Plan No. 3 for the purpose of redesignating the 9.8 acre site from Multi-family to Village Residential, to allow for the development of a single-family subdivision, located on the south side of Sylvan Avenue opposite Jeffrey Drive, and

WHEREAS, pursuant to Section 10-1.105 of the Modesto Municipal Code, an appeal to the decision of the Planning Commission's denial of the application was filed with the Office of the City Clerk by letter dated January 27, 1998, from David O. Romano, P.E., AICP, of Normoyle and Newman on behalf of Redev, Inc., requesting an amendment to the Village One Specific Plan and Precise Plan No. 3 to redesignate 9.8 acres to Multi-family to Village Residential, to allow for the development of a single-family subdivision, located on the south side of Sylvan Avenue opposite Jeffrey Drive, and

WHEREAS, said appeal was set for a public hearing of the Council of the City of Modesto to be held on February 17, 1998, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

WHEREAS, after said public hearing, the Council adopted Resolution No. 98-97 granting the appeal filed by Redev, Inc., to the Planning Commission decision, and the

Council approved an amendment to the Village One Specific Plan and Precise Plan No. 3 to redesignate 9.8 acres to Multi-family to Village Residential, to allow for the development of a single-family subdivision, located on the south side of Sylvan Avenue opposite Jeffrey Drive,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. 98-03, entitled "Village One Specific Plan Amendment No. 13, Amendment to Precise Plan No. 3, and Wildflower Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

1. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

3. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

4. This initial study provides substantial evidence to support findings 1, 2 and 3 above.

A copy of said Environmental Assessment No. 98-03 entitled "Village One Specific Plan Amendment No. 13, Amendment to Precise Plan No. 3, and Wildflower Vesting Tentative Subdivision Map", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

Village One Specific Plan Amendment No. 13, Amendment to Precise Plan No. 3, and Wildflower Vesting Tentative Subdivision Map

E.A. No. 98-03

January 15, 1998

I. PURPOSE

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

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

Section 21166 of Public Resources Code allows the Village One Program EIR, as amended by the Supplemental EIR, to be used for subsequent projects, if the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

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

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

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:

Village One Specific Plan Amendment No. 13, Amendment to Precise Plan No. 3, and Wildflower Vesting Tentative Subdivision Map

B. Lead agency name and address:

City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:

Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:

The south side of Sylvan Avenue opposite Jeffrey Drive.

E. Project Sponsor:

Redev Inc., 2020 Standiford Ave., D-5, Modesto, CA 95355

F. General Plan Designation: Village Residential (VR)

G. Current Zoning: Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:

The project consists of two items:

1. A proposed amendment to the Village One Specific Plan and to Precise Plan No. 3 to redesignate 9.8 acres from Multi-Family to Village Residential, to allow for the construction of a single-family subdivision.

2. A single-family subdivision, Wildflower, to divide 19.6 acres into 101 lots.

I. Surrounding land uses:

The project is adjoined on the east by land currently being developed for a single-family subdivision. To the south is land that is currently vacant, but is planned for future single-family development under the Village One Specific Plan. To the west is a ranchette, also planned to be developed for single-family uses. And to the north are existing ranchettes and a single-family subdivision.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF CONFORMANCE WITH CEQA SECTION 21166 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The development resulting from this proposed Specific Plan Amendment, Precise Plan Amendment and subdivision will result in dwelling units, and therefore less traffic, than the development analyzed in the EIR. Therefore, impacts to traffic and circulation for this project are within the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Because the air quality impacts of this project are closely associated with traffic impacts, air quality impacts will be less than those analyzed in the EIR. Therefore, the air quality impacts of this project are within the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

3. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The nature and intensity of noise impacts does not change significantly with the change from multi-family development to single-family development. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. Vegetation and Wildlife

Impacts to vegetation and wildlife are analyzed on pages III-68 through III-79 of the Supplemental EIR. The proposed amendments and subdivision will not result in any further urbanization than was analyzed in the EIR. Therefore, the impacts to vegetation and wildlife of this project are consistent with the analysis presented

in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

5. Land Use

Land use impacts are analyzed on pages III-80 through III-94 of the Supplemental EIR. The proposed amendments and subdivision will not result in the loss of additional farmland that was not analyzed in the EIR. Therefore, the land use impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

6. Population, Employment and Housing

Impacts to population, employment and housing are analyzed on pages III-95 through III-99 of the Supplemental EIR. The proposed amendments and subdivision will result in the reduction of approximately 250 multi-family units, out of a total of approximately 1,500-2,000 multi-family dwelling units in Village One. This will result in a reduced ability of Village One to meet the affordable housing goals in the General Plan. However, this would not change the conclusions for Population, Employment and Housing in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

7. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The proposed amendments and subdivision would not significantly alter the urban design elements analyzed in the EIR. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. Geology and Soils

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The proposed amendments and subdivision will not result in development on soils not already analyzed by the EIR. Therefore, the impacts to geology and soils of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The proposed amendments and subdivision will not result in

any increase in storm drainage runoff from the levels analyzed in the EIR. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The proposed amendments and subdivision will result in development of lesser intensity than that analyzed in the EIR, resulting in a lesser demand for public services. Therefore, the impacts to public services of this project are within the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

11. Fiscal Impacts

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The reduction in dwelling units resulting from the proposed amendments and subdivision would impact the ability of the Community Facilities District to finance needed infrastructure improvements. However, this would not change the conclusions reached in the Fiscal Impacts section of the EIR.

12. Cumulative Impacts

Cumulative impacts are analyzed on page III-161 of the Supplemental EIR. The proposed amendments and subdivision would not significantly alter the Village One EIR's conclusions regarding cumulative impacts.

13. Growth Inducing Impacts

Growth inducing impacts are analyzed by the Supplemental EIR on page III-161. The proposed amendments and subdivision would not significantly alter the Village One EIR's conclusions regarding growth-inducing impacts.

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

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

EIR.

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

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

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

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

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 98-98

Print

A RESOLUTION CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY AND CONFIRMING RULES AND REGULATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES.

WHEREAS, Section 3-4.01, et seq., of the Modesto Municipal Code, provides for the preparation and carrying out of plans for the protection of persons and property within the City of Modesto in the event of an emergency, and

WHEREAS, Section 3-4.05 of the Modesto Municipal Code creates the office of the Director of Emergency Services and designates the City Manager of the City of Modesto as the Director of Emergency Services, and

WHEREAS, Section 3-4.07 of the Modesto Municipal Code empowers the Director of Emergency Services (the "City Manager") to request the City Council to proclaim the existence of threatened existence of a "local emergency" if the City Council is in session, and

WHEREAS, at the February 10, 1998, meeting of the City Council, which was held in the City Council Chambers, City Hall, 801 11th Street, Modesto California, under Matters Too Late For the Agenda, the Director of Emergency Services requested the City Council to proclaim the existence of a "local emergency" due to flooding caused by unprecedented amounts of rainfall which has resulted in the accumulation and migration of significant amounts of surface water so as to imperil the safety of persons and property within the City of Modesto, and

WHEREAS, by Resolution No. 98-94 adopted by the Council of the City of Modesto on February 10, 1998, the Council found and proclaimed the existence of a local emergency within the City of Modesto and that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council's proclamation of the existence of a local emergency is hereby ratified, and that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Modesto.

BE IT FURTHER RESOLVED by the City Council that the Rules and Regulations dated February 11, 1998, issued by the Director of Emergency Services since the issuance of the Council proclamation of the existence of a local emergency in the City of Modesto, California, are reasonably related to the protection of life and property as affected by such emergency, and said Rules and Regulations are hereby confirmed as attached hereto, marked Exhibit "A" and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

WINTER STORM OF 1998 - EMERGENCY RULES RELATING TO STORM WATER RUN-OFF MANAGEMENT

Pursuant to the powers vested in the Director of Emergency Services by virtue of Resolution No. 98-94, of the City Council of the City of Modesto, pursuant to the provisions of Section 3-4.01, et. seq., of the Modesto Municipal Code, and more particularly of Section 3-4.06 (aa) thereof, the following rules shall be effective upon execution of such rules by the Director of Emergency Services at 5:30 p.m., Wednesday, February 11, 1998:

(1) No person, business entity or other association of any type which is capable of being in legal control of any real property in the City shall undertake or permit to be undertaken on their behalf any act which would alter, disturb or otherwise change in any material way the natural flow of storm surface water on, over or under real property controlled by them without the express written permission of the Director of Emergency Services or his designee. These acts shall include, but not be limited to, the following:

(a) Sandbagging, building of berms, walls and all other means of blocking or diverting the flow of storm water runoff.

(b) Pumping, or other electrical or mechanical means of discharging or diverting water from any existing location within the City of Modesto.

(c) Destruction of, or tampering with, any means, whether publicly or privately owned, of controlling the flow of surface waters which was or were in existence on or before February 1, 1998.

(d) Alteration of the capacity, flow characteristics or content of any existing storm water drainage system, or the pumping of water out of any irrigation water delivery system, without the express written permission of the entity controlling such system.

(1A) Exception: Placement of sandbags within 10' of either an owner or tenant occupied residential dwelling, by or at the direction of such owner or tenant, may occur without prior written approval of the Director of Emergency Services. All other diversions must have such prior approval.

(2) Any person or entity as described in subsection 1 above shall have a positive duty to permit any member or members of the emergency organization of the City, or those acting at their direction, to come onto their property for the purpose of repairing, modifying or otherwise altering any device, structure, excavation or

other means of controlling surface water, for the purpose of protecting the life and/or property of any resident of the City.

(3) These emergency rules shall be subject to ratification for a period not to exceed fourteen (14) days from the date of any such ratification, by the City Council of the City of Modesto.

Executed at 5:30 p.m., on Wednesday, February 11, 1998.

CITY OF MODESTO

By Paul Baxter
PAUL BAXTER
Acting Director of Emergency Services

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-99

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY JOSEPHINE PASSALAQUA FAMILY TRUST FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mary Josephine Passalaqua Family Trust for the purchase of right of way needed for the Carpenter Road widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-100

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ELSIE M. OWNBEY LIVING TRUST FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Elsie M. Ownbey Living Trust for the purchase of right of way needed for the Carpenter Road widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-101

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THE MIDDLE PORTION OF THE NORTH-SOUTH ALLEY IN BLOCK 2098 AND RESERVING AN EASEMENT FOR UTILITY SERVICES LOCATED BETWEEN 140 COVENA AND 145 CAMELLIA AVENUES SOUTH OF MILLER AVENUE.

WHEREAS, the City Council has received and referred to the Planning Commission a request by Marvin Byerly and adjacent property owners to vacate and abandon the middle portion of the north-south alley in Block 2098, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the alley right-of-way in the adjacent land owner who is the proponent of the abandonment, and

WHEREAS, the proposed alley abandonment has been referred to the affected City departments and local utility companies, and no objection to the abandonment has been received, and

WHEREAS, notices of an informal public hearing to consider the request to vacate and abandon the middle portion of the north-south alley in Block 2098 and reserving an easement for utility services were posted in the area and said public hearing was held by the Planning Commission on January 26, 1998, and

WHEREAS, the Planning Commission by Resolution No. 98-04, adopted January 26, 1998, found and determined as follows:

1. That the central portion of the north-south alley right-of-way extending south from Miller Avenue between Covena and Camellia Avenues is unnecessary for present or future pedestrian or vehicular use.

2. That a public utility easement will be required to serve water and sewer lines and other public utilities and no buildings or structures will be permitted within the utility easement.

3. That Environmental Assessment No. 98-1 judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities.

3. That the abandonment and vacation of the alley right-of-way is in conformance with the City of Modesto General Plan.

and

WHEREAS, the Planning Commission by said Resolution No. 98-04 recommended to the City Council the vacation and abandonment of the middle portion of the north-south alley in Block 2098 and reserving an easement for utility services located between 140 Covena and 145 Camellia Avenues south of Miller Avenue, subject to the following conditions:

1. That an easement for existing utilities shall be reserved as approved by the City of Modesto and effected utility companies.

2. That any fencing and gates provided to secure the abandoned portion of the alley shall be in accordance with the City of Modesto Standard Specifications, Appendix H, Section 108.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon the middle portion of the north-south alley in Block 2098 and reserving an easement for utility services located between 140 Covena and 145 Camellia Avenues south of Miller Avenue, subject to the conditions recommended by the Planning Commission and

hereinabove set forth. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provisions of the State of California Streets and Highway Code, Sections 8300-8363: Public Streets, Highways and Service Easements Vacation Law.

SECTION 3. Notice is hereby given that March 10, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in *The Modesto Bee*, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of the middle portion of the north-south alley in Block 2098 and reserving an easement for utility services located between 140 Covena and 145 Camellia Avenues south of Miller Avenue, to be posted conspicuously at the entrance of the alley and mid-block at Block 2098, at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the alley proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Community Development Department
Development Services

EXHIBIT "A"

Valley Engineering
Land Planning • Engineering • Surveying
A Professional Corporation
900 "H" Street, Suite G • Modesto, CA 95354 • (209) 526-4214 • FAX (209) 526-0803

January 7, 1998
Job No. 71234

LEGAL DESCRIPTION TO ACCOMPANY AN ALLEY ABANDONMENT (MARVIN BYERLY)

ALL that certain real property situate in a portion of the Southwest Quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

BEING that 20.00 foot wide alley adjacent to Lots 3, 4, 5, 6, 7, 17, 18, 19, 20 and 21 of the Covena Park Tract, as shown on the Map filed in Volume 11 of Maps, at Page 7, Stanislaus County Records.

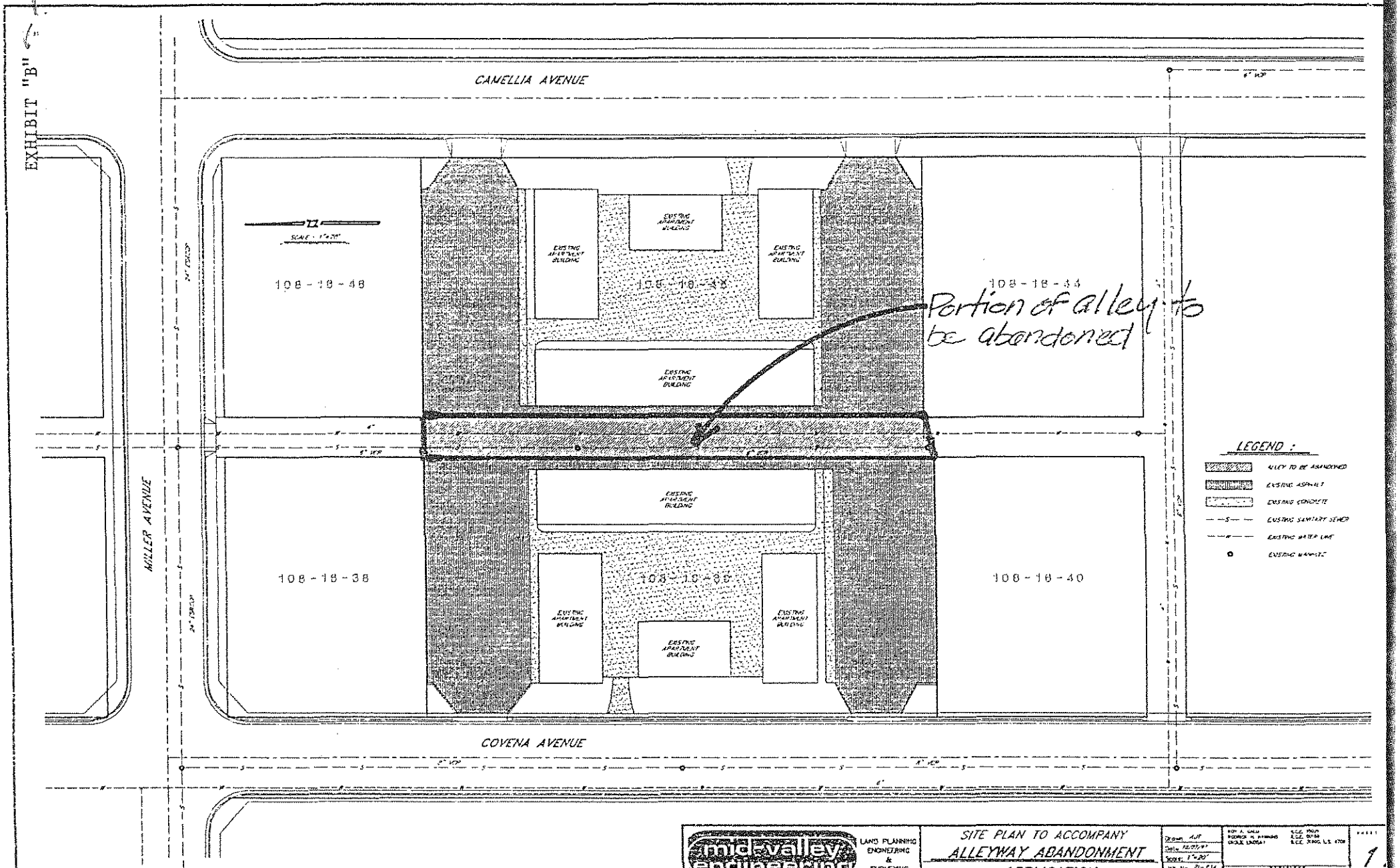
ALSO including the Westerly 10.00 feet of the 20.00 foot wide alley adjacent to PARCEL "B", as shown on the Map filed in Book 2 of Parcel Maps, at Page 98, Stanislaus County Records.

Reserving all of the above-described alley as a public utilities easement.

PROFESSIONAL LAND SURVEYOR
CROLIE E LINDSAY, JR.
NO. 4709
EXP. 09/30/99
STATE OF CALIFORNIA

Crolie E. Lindsay, L.S. 4709

EXHIBIT "B"



mid-valley engineering
LAND PLANNING ENGINEERING & SURVEYING
900 H STREET, SUITE G
MODESTO, CALIFORNIA, 95354
(209) 526-4214
FAX 526-0803

SITE PLAN TO ACCOMPANY
ALLEYWAY ABANDONMENT
APPLICATION
MODESTO MARVIN BYERLY CALIFORNIA

Drawn AJT
Date 12/27/91
Scale 1"=20'
Job No 91-134
Checked RR
Dwg ALLEY
File No.

1.
1.

RESOLUTION OF INTENTION TO VACATE AND ABANDON

File 16.5-2

2	Clerk
2	Attorney
1	Parks & Recreation
1	Public Works
1	Engineering Services
1	Planning
1	Fire
1	Police
1	Modesto Bee
1	MID
1	PG&E
1	Pacific Bell
1	Del Este Water Co.
15	

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
Attn: Helen Hoskins
44 West Yokuts
Stockton, CA 95207

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353

MODESTO CITY COUNCIL
RESOLUTION NO. 98-102

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN SILVERADO AT THE VILLAGE PHASE 1 SUBDIVISION AND AUTHORIZING RELEASE OF BONDS UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Jaguar/Sylvan Partners, L.P., a California Limited Partnership, subdividers of Silverado at the Village, Phase 1, have filed a Subdivision Faithful Performance Bond for faithful performance, and a Subdivision Payment Bond for labor and materials in the amount of $655,859.00 and $327,927.50 respectively to guarantee improvements in Silverado at the Village, Phase 1, and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department; and

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

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

1. The improvements in Silverado at the Village, Phase 1, Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond for faithful performance in the amount of $655,859.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Payment Bond for labor and materials in the amount of $327,927.50 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-103

A RESOLUTION ACCEPTING IMPROVEMENTS IN ROSE LANE NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF BONDS UPON THE EXPIRATION OF STATUTORY PERIODS

WHEREAS, Florsheim Bros., a California General Partnership by Florsheim Properties, a California Corporation, subdividers of Rose Lane No. 2 subdivision, have filed a Subdivision Faithful Performance Bond for faithful performance, and a Subdivision Payment Bond for labor and materials in the amount of $283,804.51 and $141,902.25 respectively to guarantee improvements in Rose Lane No. 2 subdivision and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department; and

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory period.

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

1. The improvements in Rose Lane No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Faithful Performance Bond for faithful performance in the amount of $283,804.51 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Payment Bond for labor and materials in the amount of $141,902.25 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-104

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RRM & ASSOCIATES FOR PREPARATION OF A MASTER PLAN FOR WOODLAND NEIGHBORHOOD PARK AND FOR CONSTRUCTION DOCUMENTS FOR WOODLAND AND EISENHUT NEIGHBORHOOD PARKS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and RRM Associates for preparation of a master plan for Woodland Neighborhood Park and for construction documents for Woodland and Eisenhut Neighborhood Parks be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-105

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PURKISS ROSE R.S.I. FOR PREPARATION OF A MASTER PLAN AND CONSTRUCTION DOCUMENTS FOR YOSEMITE NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Purkiss Rose R.S.I. for preparation of a master plan and construction documents for Yosemite Neighborhood Park be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-106

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY DEPARTMENT OF PUBLIC HEALTH TO PROVIDE A MALE-FEMALE RITES OF PASSAGE PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County Department of Public Health to provide a Male-Female Rites of Passage Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-107

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE REVENUE AND APPROPRIATE EXPENDITURES OF $7,940

WHEREAS, Tommie Muhammad, Social Services Coordinator, has conducted Rites of Passage programs for young men and women. The County conducts a mentoring program (R.E.A.L.) that would benefit from his experience and the Rites of Passage Program; and

WHEREAS, the County has agreed to enter into a contract with the City to provide a Male-Female Rites of Passage Program for up to 25 young men and women in targeted areas and will pay the City $7,940, which will cover the expense of facilitators and workshop training expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue
#010-370-3717-4095 $7,940

Expenditure
#010-370-3717-0235 $7,940

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-108

A RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION TO ISSUE CHANGE ORDERS AT A HIGHER PERCENT OF THE ORIGINAL CONTRACT PRICE WITH MOUNTAIN CASCADE, INC., ON THE SECTION III - RELIEF LINE PROJECT.

WHEREAS, on June 17, 1997, the City Council awarded a contract to Mountain Cascade, Inc., in the amount of $1,160,940.00, to construct a sanitary sewer relief line as a component of the larger Cannery Segregation Pipeline project, and

WHEREAS, during the course of construction, the need for a design change was encountered as required by the permit with the Union Pacific Railroad at the 9th Street trestle crossing, as well as a design change due to a differing site condition at the 7th Street Bridge location adjacent to the Southern Pacific Railroad trestle, and

WHEREAS, the Council's change order policy adopted by Resolution No. 94-443, authorizes the Director to approve change orders up to a cumulative amount of eight (8) percent of the original contract price, and

WHEREAS, the required changes will exceed the Director of Engineering and Transportation's authority level for authorizing change orders,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, as a prudent measure in order to finalize negotiations on outstanding change orders, the Council hereby increases the Director of Engineering and Transportation's level of authority from eight (8) percent to seventeen (17) percent of the original contract price with

Mountain Cascade, Inc. on the Section III - Relief Line project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-109

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE AN ADDITIONAL $73,000 TO THE SECTION III - RELIEF LINE ACCOUNT #623-480-H867 FROM THE WASTEWATER CIP BOND FUND CONTINGENCY RESERVE

WHEREAS, a contract was awarded to Mountain Cascade, Inc. To construct a sanitary sewer relief line as a component of the larger Cannery Segregation Pipeline project; and

WHEREAS, during the course of construction, design changes were required and staff is forecasting a shortfall of $73,000 to the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Transfer From:		
#623-800-8000-8003	Wastewater CIP Bond Fund Contingency Reserve	$(73,000)
Transfer To:		
#623-480-H867	Section III Relief Line	$ 73,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-110

A RESOLUTION AUTHORIZING THE ENGINEERING AND TRANSPORTATION DEPARTMENT TO NEGOTIATE A CONTRACT WITH STORER TRANSIT SYSTEMS TO OPERATE MODESTO AREA DIAL-A-RIDE FOR A FIVE-YEAR PERIOD.

WHEREAS, City staff has requested authorization to negotiate a contract with Storer Transit Systems to operate Modesto Area Dial-A-Ride for a five-year period beginning May 2, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Department is hereby authorized to negotiate a contract with Storer Transit Systems to operate Modesto Area Dial-A-Ride for a five-year period beginning May 2, 1998.

BE IT FURTHER RESOLVED that City staff shall return to Council at a later date requesting approval of the final agreement as described above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-111

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE MID-YEAR OF FISCAL YEAR 1997-98 AND RE-ESTIMATING REVENUE

WHEREAS, the mid-year financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1997-98;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as indicated on Attachment "A".

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of February 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-112

A RESOLUTION CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY.

WHEREAS, by Resolution No. 98-94, adopted on February 10, 1998, the City Council proclaimed the existence of a local emergency based on extreme peril to the safety of persons and property in the City of Modesto due to unprecedented amounts of rainfall, and

WHEREAS, by Resolution No. 98-98, adopted on February 17, 1998, the City Council confirmed the existence of a local emergency and confirmed rules and regulations issued by the Director of Emergency Services on February 11, 1998, and

WHEREAS, state and federal officials who monitor weather patterns continue to report that there is a possibility of continued heavy rainfall in the immediate future, and

WHEREAS, the unprecedented rainfall continues to result in the accumulation and migration of significant amounts of surface water so as to continue to imperil the safety of persons and property within the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that a local emergency continues to exist within the City of Modesto and that said local emergency shall be deemed to continue to exist until such time as its termination is proclaimed by the City Council of the City of Modesto.

BE IT FURTHER RESOLVED that the Rules And Regulations issued by the Director of Emergency Services of February 11, 1998, and confirmed by the City Council on February 17, 1998, shall continue in full force and effect until such time as the local emergency

is deemed terminated by proclamation of the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-113

A RESOLUTION ESTABLISHING A SCHEDULE OF CASH SECURITY DEPOSITS TO BE CHARGED TO RESIDENTS AND BUSINESSES FOR SELF-HAUL OF SOLID WASTE IN THE CITY OF MODESTO.

WHEREAS, pursuant to Section 5-5.18 of the Modesto Municipal Code cash security deposits for the removal of solid waste can be deposited with the City in an amount set from time to time by resolution of the City Council, and

WHEREAS, City staff has recommended establishing a schedule of cash security deposits for self-haul of solid waste, and

WHEREAS, the Council Utility Services and Franchise Committee considered this item and recommended to the City Council the establishment of a schedule of cash security deposits to be charged to residents and businesses for self-haul of solid waste in the City of Modesto, and is as set forth on Exhibit "A" attached hereto, and

WHEREAS, February 24, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended establishment of a schedule of cash security deposits to be charged to residents and businesses for self-haul of solid waste in the City of Modesto, and

WHEREAS, a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary was received and considered, and

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2022-471

WHEREAS, it was found and determined by the Council of the City of Modesto that a schedule of cash security deposits to be charged to residents and businesses for self-haul of solid waste in the City of Modesto should be established,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the establishment of a schedule of cash security deposits to be charged to residents and businesses for self-haul of solid waste in the City of Modesto, a copy of said schedule is attached hereto as Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CASH SECURITY DEPOSITS FOR SELF-HAUL RESIDENTS AND BUSINESSES CITY OF MODESTO

Pursuant to the Modesto Municipal Code, Section 5-5.18, any person, other than a collector who has an agreement with the City, who wishes to remove and dispose of waste created or produced on premises they occupy or control must first provide a cash security deposit to the City. Such deposits shall be based on the following criteria:

RESIDENTIAL OR COMMERCIAL - CART SERVICE

A. For any residential property that is, or would be served by 60 or 90 gallon automated carts the cash security deposit shall be:

$1,000 per individual dwelling unit

B. For any commercial property that is, or would be served by 60 or 90 gallon automated carts the cash security deposit shall be:

$1,000 per cart

RESIDENTIAL OR COMMERCIAL - BIN SERVICE

A. For those person that are currently served by an authorized collector and wish to haul and dispose of their own refuse, the City shall contact the collector and determine the existing service level being provided. Based on the existing service level, the City shall require a cash security deposit based on the formula noted and defined in C.

B. For those persons that are not currently served by an authorized collector and wish to haul and dispose of their own refuse, the City shall, after consulting with the authorized collector who would serve the customer, determine an appropriate service level. The City shall require a cash security deposit based on the formula noted and defined in C.

C. Cash Deposit Formula - Bin Customers

Base Deposit[1] X Multiplier[2] = Cash Security Deposit

1 - Base Deposit	$3,000
2 - Multiplier	Total number of cubic yards in bin(s), times the number of collections per week

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-114

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM HOGAN MANUFACTURING, INC., A CALIFORNIA CORPORATION AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-52-39 (Hogan Manufacturing, Inc., a California corporation)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to widen Carpenter Road (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibit "A" is necessary for the Project;

4. The taking of a temporary easement in and for the real property more particularly described in said Exhibit "B" is necessary for the Project;

5. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.

6. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

7. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

Corrected 3-13-98 By RTY

(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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibits "A" and "B" is 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 or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

1101 N. CARPENTER ROAD
Parcel 81-52-39

EXHIBIT A

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

GRANT DEED
Corporation

HOGAN MFG., INC., a California corporation, GRANTS to the CITY OF MODESTO, a municipal corporation, the following described real property in the City of Modesto, County of Stanislaus, State of California:

All that portion of the Northeast quarter of Section 25, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of the South 105 feet of Lot 4 in Block 12 of PLEASANT HOMES, as per map filed August 17, 1922 in Volume 9 of Maps, Page 67, Stanislaus County Records, described as follows:

Commencing at the Southeastern corner of said Lot 4 in Block 12, said point being the intersection of the East line of said Section 25 with the center line of former 50.00 foot Torrid Avenue; thence along said East line of Section 25, North 00° 48′ 39" West, 25.00 feet, to its intersection with the Easterly extension of the Northern line of said former 50.00 foot Torrid Avenue; thence along said Easterly extension, South 89° 09′ 36" West, 50.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Westerly from the East line of Section 25, and the true point of beginning of this description; thence along said parallel line, North 00° 48′ 39" West, 59.97 feet, to a point of cusp with a tangent curve concave to the Northwest; thence Southwesterly along said tangent curve concave to the Northwest, having a Radius of 50.00 feet, a Central Angle of 89° 58′ 15" and an Arc Length of 78.51 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Northerly of said Northern line of former 50.00 foot Torrid Avenue; thence South 00° 50′ 24" East, 10.00 feet, to a point on the Northern line of former 50.00 foot Torrid Avenue; thence along the Northern line of former 50.00 foot Torrid Avenue, North 89° 09′ 36" East, 49.97 feet, to the point of beginning, containing 1035 square feet, more or less.

Dated _____

HOGAN MFG., INC.,
a California corporation

(corporate seal)

By _____

By _____

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

1101 N. CARPENTER ROAD
Parcel 81-52-39

EXHIBIT B

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED
Corporation

HOGAN MFG., INC., a California corporation;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the City of Modesto, County of Stanislaus, State of California:

All that portion of the Northeast quarter of Section 25, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of the South 105 feet of Lot 4 in Block 12 of PLEASANT HOMES, as per map filed August 17, 1922 in Volume 9 of Maps, Page 67, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, lying Westerly and Northwesterly of the following described line:

Commencing at the Southeastern corner of said Lot 4 in Block 12, said point being the intersection of the East line of said Section 25 with the center line of former 50.00 foot Torrid Avenue; thence along said East line of Section 25, North 00° 48′ 39" West, 130.00 feet, more or less, to its intersection with the Easterly extension of the Northern line of said South 105 feet of Lot 4; thence along said Easterly extension, South 89° 09′ 36" West, 50.00 feet, to a point on a line which is parallel with and 50.00 feet, measured at right angles, Westerly from the East line of Section 25, and the true point of beginning of this description; thence along said parallel line, South 00° 48′ 39" East, 45.03 feet, more or less; thence Southwesterly along a tangent curve concave to the Northwest, having a Radius of 50.00 feet, a Central Angle of 89° 58′ 15" and an Arc Length of 78.51 feet, to its point of tangency on a line which is parallel with and 10.00 feet, measured at right angles, Northerly of the Northern line of former 50.00 foot Torrid Avenue and the end of this description.

Dated _____

HOGAN MFG., INC.,
a California corporation

(corporate seal)

By _____

By _____

1101 N. CARPENTER ROAD
Parcel 81-52-39

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-115

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM GLADYS WALLIS AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-29-31 (Gladys Wallis)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to widen Carpenter Road (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibits "A" and "B" is 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 or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

1601 WOODLAND AVENUE
APN 81-29-31

EXHIBIT A

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

GRANT DEED

GLADYS WALLIS, a widow, GRANTS to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

Commencing at the Southeast corner of said Section 24; thence along the East line of Section 24, North 00° 19′ 08" West, 20 feet, to its intersection with the Easterly extension of the present Northern line of Woodland Avenue; thence along said Easterly extension, South 89° 25′ 52" West, 40 feet, to its intersection with the Southerly extension of the present Westerly line of Carpenter Road; thence along said Southerly extension, North 00° 19′ 08" West, 24.94 feet, to the true point of beginning of this description; thence along said Western line of Carpenter Road, North 00° 19′ 08" West, 75.06 feet; thence parallel with said Northern line of Woodland Avenue, South 89° 25′ 52" West, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Westerly from said present Western line of Carpenter Road; thence along said parallel line, South 00° 19′ 08" East, 75.06 feet; thence South 44° 33′ 22" West, 21.17 feet; thence along a line at right angles to said Northern line of Woodland Avenue, South 00° 34′ 08" East, 10.00 feet, to a point on the present Northern line of Woodland Avenue; thence along the present Northern line of Woodland Avenue, North 89° 25′ 52" East, 5.00 feet; thence at right angles to the present Northern line of Woodland Avenue, North 00° 34′ 08" West, 10.00 feet, to a point on a non-tangent curve from which point a radial line bears North 00° 34′ 08" West; thence Northeasterly along said non-tangent curve concave to the Northwest, having a Radius of 15.00 feet, a Central Angle of 89° 45′ and an Arc Length of 23.50 feet, to its point of tangency on the present Westerly line of Carpenter Road and the point of beginning, containing 564 square feet, more or less.

Dated _____

_____
GLADYS WALLIS

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

EXHIBIT B

1601 WOODLAND AVENUE
Parcel 81-29-31

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED

GLADYS WALLIS, a widow;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, lying Westerly and Northwesterly of the following described line:

Commencing at the Southeast corner of said Section 24; thence along the East line of Section 24, North 00° 19′ 08" West, 20 feet, to its intersection with the Easterly extension of the present Northern line of Woodland Avenue; thence along said Easterly extension, South 89° 25′ 52" West, 40 feet, to its intersection with the Southerly extension of the present Westerly line of Carpenter Road; thence along said Southerly extension and the present Westerly line of Carpenter Road, North 00° 19′ 08" West, 100.00 feet; thence parallel with said Northern line of Woodland Avenue, South 89° 25′ 52" West, 5.00 feet, to a point on a line which is parallel with and 5.00 feet, measured at right angles, Westerly from said present Western line of Carpenter Road, and the true point of beginning of this description; thence along said last mentioned parallel line, South 00° 19′ 08" East, 75.06 feet; thence South 44° 33′ 22" West, 21.17 feet; thence along a line at right angles to said Northern line of Woodland Avenue, South 00° 34′ 08" East, 10.00 feet, to a point on the present Northern line of Woodland Avenue and the end of this description.

Dated _____

_____
GLADYS WALLIS

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-116

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM ROBERT MORRIS NEWMAN AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-29-30 (Robert Morris Newman)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to widen Carpenter Road (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibits "A" and "B" is 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 or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

EXHIBIT A

1315 N. CARPENTER ROAD
APN 81-29-30

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

GRANT DEED

ROBERT MORRIS NEWMAN, an unmarried man, GRANTS to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Eastern 5.00 feet, measured at right angles, of the North 100 feet of the following described property:

Beginning at a point on the North line of Woodland Avenue, distant thereon 40 feet West of the intersection of the East line of Langdon Avenue (now Carpenter Road) with the said North line of Woodland Avenue; running thence West along the North line of Woodland Avenue, a distance of 97.33 feet; thence North parallel with the West line of Langdon Avenue (now Carpenter Road), a distance of 200 feet; thence East parallel with the North line of Woodland Avenue, a distance of 97.33 feet to a point in the West line of Langdon Avenue (now Carpenter Road); thence South along the West line of said Langdon Avenue (now Carpenter Road), a distance of 200 feet, to the point of beginning.

Dated _____

_____
ROBERT MORRIS NEWMAN

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

1315 N. CARPENTER ROAD
Parcel 81-29-30

EXHIBIT B

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED

ROBERT MORRIS NEWMAN, an unmarried man;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 15.00 feet of the North 100 feet of the following described property:

Beginning at a point on the North line of Woodland Avenue, distant thereon 40 feet West of the intersection of the East line of Langdon Avenue (now Carpenter Road) with the said North line of Woodland Avenue; running thence West along the North line of Woodland Avenue, a distance of 97.33 feet; thence North parallel with the West line of Langdon Avenue (now Carpenter Road), a distance of 200 feet; thence East parallel with the North line of Woodland Avenue, a distance of 97.33 feet to a point in the West line of Langdon Avenue (now Carpenter Road); thence South along the West line of said Langdon Avenue (now Carpenter Road), a distance of 200 feet, to the point of beginning.

Dated _____

_____
ROBERT MORRIS NEWMAN

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-117

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM NEILL MICHAEL WISE AND BETTY RUTH WISE AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-29-27 (Neill Michael Wise and Betty Ruth Wise)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to widen Carpenter Road (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibits "A" and "B" is 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 or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

EXHIBIT A

1321 N. CARPENTER ROAD
APN 81-29-27

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

GRANT DEED

NEILL MICHAEL WISE and BETTY RUTH WISE, husband and wife, GRANT to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Eastern 5.00 feet, measured at right angles, of the following described property:

Beginning at the Northeast corner of land conveyed to Samuel Caulton, et ux, by Deed dated November 16, 1945 and recorded December 19, 1945 in Volume 831 of Official Records, Page 534, Stanislaus County Records, thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue (now Carpenter Road); thence South along the West line of Langdon Avenue (now Carpenter Road), a distance of 148.24 feet, more or less, to the point of beginning.

Dated _____

_____
BETTY RUTH WISE

_____
NEILL MICHAEL WISE

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

EXHIBIT B

1321 N. CARPENTER ROAD
Parcel 81-29-27

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED

NEILL MICHAEL WISE and BETTY RUTH WISE, husband and wife;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 15.00 feet of the following described property:

Beginning at the Northeast corner of land conveyed to Samuel Caulton, et ux, by Deed dated November 16, 1945 and recorded December 19, 1945 in Volume 831 of Official Records, Page 534, Stanislaus County Records; thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue (now Carpenter Road); thence South along the West line of Langdon Avenue (now Carpenter Road), a distance of 148.24 feet, more or less, to the point of beginning.

Dated _____

_____
BETTY RUTH WISE

_____
NEILL MICHAEL WISE

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-118

Print

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM THOMAS E. CHAFFEE AND SUE A. CHAFFEE AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-29-26 (Thomas E. Chaffee and Sue A. Chaffee)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to widen Carpenter Road (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibits "A" and "B" is 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 or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

1329 N. CARPENTER ROAD
APN 81-29-26

EXHIBIT A

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

GRANT DEED

THOMAS E. CHAFFEE and SUE A. CHAFFEE, husband and wife, GRANT to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Eastern 5.00 feet, measured at right angles, of the following described property:

Beginning at the Northeast corner of land conveyed to Harold A. Stuart, et ux, by Deed dated February 27, 1946 and recorded March 11, 1946 in Volume 839 of Official Records, Page 444, Stanislaus County Records, being on the West line of former Langdon Avenue, now Carpenter Road; thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence South along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the North half thereof.

Dated _____

_____
SUE A. CHAFFEE

_____
THOMAS E. CHAFFEE

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

EXHIBIT B

1329 N. CARPENTER ROAD
Parcel 81-29-26

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED

THOMAS E. CHAFFEE and SUE A. CHAFFEE, husband and wife;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 15.00 feet of the following described property:

Beginning at the Northeast corner of land conveyed to Harold A. Stuart, et ux, by Deed dated February 27, 1946 and recorded March 11, 1946 in Volume 839 of Official Records, Page 444, Stanislaus County Records, being on the West line of former Langdon Avenue, now Carpenter Road; thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence South along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM the North half thereof.

Dated _____

_____
SUE A. CHAFFEE

_____
THOMAS E. CHAFFEE

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-119

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM JAMES RUIZ AND MICHELLE EILEEN HELLER AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-29-25 (James Ruiz and Michelle Eileen Heller)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to widen Carpenter Road (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibit "A" is necessary for the Project;

4. The taking of a temporary easement in and for the real property more particularly described in said Exhibit "B" is necessary for the Project;

5. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.

6. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

7. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

Corrected 3-13-98 by Atty

(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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibits "A" and "B" is 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 or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [signature]
MICHAEL D. MILICH, City Attorney

EXHIBIT A

1343 N. CARPENTER ROAD
APN 81-29-25

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

GRANT DEED

JAMES RUIZ, a single man, and MICHELLE EILEEN HELLER, a single woman, GRANTS to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Eastern 5.00 feet, measured at right angles, of the North half of the following described property:

Beginning at the Northeast corner of land conveyed to Harold A. Stuart, et ux, by Deed dated February 27, 1946 and recorded March 11, 1946 in Volume 839 of Official Records, Page 444, Stanislaus County Records, being on the West line of former Langdon Avenue, now Carpenter Road; thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence South along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the point of beginning.

Dated _____

_____
MICHELLE EILEEN HELLER

_____
JAMES RUIZ

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

1343 N. CARPENTER ROAD
Parcel 81-29-25

EXHIBIT B

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED

JAMES RUIZ, a single man, and MICHELLE EILEEN HELLER, a single woman;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 15.00 feet of North half of the following described property:

Beginning at the Northeast corner of land conveyed to Harold A. Stuart, et ux, by Deed dated February 27, 1946 and recorded March 11, 1946 in Volume 839 of Official Records, Page 444, Stanislaus County Records, being on the West line of former Langdon Avenue, now Carpenter Road; thence West parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to a point in the center line of the said Lot 18; thence North along the center line of said Lot 18, a distance of 148.24 feet; thence East parallel with the South line of said Lot 18, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence South along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the point of beginning.

Dated _____

_____
MICHELLE EILEEN HELLER

_____
JAMES RUIZ

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-120

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM DEEPAK SINGH AND PROMILA PAUL AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-29-24 (Deepak Singh and Promila Paul)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to widen Carpenter Road (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibit "A" is necessary for the Project;

4. The taking of a temporary easement in and for the real property more particularly described in said Exhibit "B" is necessary for the Project;

5. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.

6. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

7. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

(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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibits "A" and "B" is 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 or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Freidman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

1345-1349 N. CARPENTER ROAD
APN 81-29-24

EXHIBIT A

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

GRANT DEED

DEEPAK SINGH and PROMILA PAUL, husband and wife, GRANT to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Eastern 5.00 feet, measured at right angles, of the following described property:

Beginning at the Northeast corner of said Lot 16; thence West along the North line of said Lot 18, a distance of 40 feet to the West line of former Langdon Avenue, now Carpenter Road, which is the true point of beginning of this description; thence West along the North line of said Lot 16, a distance of 292 feet, more or less, to a point in the center line of said Lot 16; thence South along the center line of said Lot 16, a distance of 148.24 feet to the North line of land conveyed to L. Eugene Blum, et ux, by Deed dated May 24, 1946 and recorded June 21, 1946 in Volume 845 of Official Records, Page 488, Stanislaus County Records; thence East along the North line of land conveyed to L. Eugene Blum, et ux, as aforesaid, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence North along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the true point of beginning.

Dated _____

_____
PROMILA PAUL

_____
DEEPAK SINGH

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

1345-1349 N. CARPENTER ROAD
Parcel 81-29-24

EXHIBIT B

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED

DEEPAK SINGH and PROMILA PAUL, husband and wife;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 18 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 15.00 feet of the following described property:

Beginning at the Northeast corner of said Lot 16; thence West along the North line of said Lot 18, a distance of 40 feet to the West line of former Langdon Avenue, now Carpenter Road, which is the true point of beginning of this description; thence West along the North line of said Lot 16, a distance of 292 feet, more or less, to a point in the center line of said Lot 16; thence South along the center line of said Lot 16, a distance of 148.24 feet to the North line of land conveyed to L. Eugene Blum, et ux, by Deed dated May 24, 1946 and recorded June 21, 1946 in Volume 845 of Official Records, Page 488, Stanislaus County Records; thence East along the North line of land conveyed to L. Eugene Blum, et ux, as aforesaid, a distance of 292 feet, more or less, to the West line of Langdon Avenue; thence North along the West line of Langdon Avenue, a distance of 148.24 feet, more or less, to the true point of beginning.

Dated _____

_____
PROMILA PAUL

_____
DEEPAK SINGH

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-121

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM MICHAEL P. BILLINGTON, MARGARET M. BILLINGTON, CHARLES J. BILLINGTON, III, JOHN D. BILLINGTON, AND EDWARD E. BILLINGTON AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-28-22 (Michael P. Billington, Margaret M. Billington, Charles J. Billington, III, John D. Billington, and Edward E. Billington)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to widen Carpenter Road (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibits "A" and "B" is 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 or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

EXHIBIT A

1405 N. CARPENTER ROAD
APN 81-28-22

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

GRANT DEED

MICHAEL P. BILLINGTON, EDWARD E. BILLINGTON, JOHN D. BILLINGTON, CHARLES J. BILLINGTON III AND MARGARET M. BILLINGTON, GRANT to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 13 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Western 5.00 feet, measured at right angles, of the Eastern 45.00 feet of the East one-half of the South one-half of said Lot Thirteen (13).

EXCEPTING THEREFROM the North 165 feet thereof;

ALSO EXCEPTING THEREFROM the West 95 feet of the East one-half of the South one-half of said Lot Thirteen (13), excepting therefrom the North 165 feet thereof.

_____
MARGARET M. BILLINGTON

Dated _____

_____
CHARLES J. BILLINGTON III

_____
JOHN D. BILLINGTON

_____
EDWARD E. BILLINGTON

_____
MICHAEL P. BILLINGTON

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

1405 N. CARPENTER ROAD
Parcel 81-28-22

EXHIBIT B

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED

MICHAEL P. BILLINGTON, EDWARD E. BILLINGTON, JOHN D. BILLINGTON, CHARLES J. BILLINGTON III AND MARGARET M. BILLINGTON; GRANT to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 13 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 55.00 feet of the East one-half of the South one-half of said Lot Thirteen (13).

EXCEPTING THEREFROM the North 165 feet thereof;

ALSO EXCEPTING THEREFROM the West 95 feet of the East one-half of the South one-half of said Lot Thirteen (13), excepting therefrom the North 165 feet thereof.

_____
MARGARET M. BILLINGTON

Dated _____

_____
CHARLES J. BILLINGTON III

_____
JOHN D. BILLINGTON

_____
EDWARD E. BILLINGTON

_____
MICHAEL P. BILLINGTON

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-122

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM THE ISLAMIC CENTER OF MODESTO, A NON-PROFIT CORPORATION AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (CARPENTER ROAD WIDENING)

APN 81-28-15 (Islamic Center of Modesto, a non-profit corporation)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to widen Carpenter Road (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, Section 1810 of the Streets and Highways Code, and Sections 1240.010, 1240.020, 1240.030 and 1240.040, of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibits "A" and "B" is 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 or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

EXHIBIT A

1445 N. CARPENTER ROAD
APN 81-28-15

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

GRANT DEED
Corporation

ISLAMIC CENTER OF MODESTO, a non-profit corporation, also known as MODESTO ISLAMIC CENTER, GRANTS to the CITY OF MODESTO, a municipal corporation, the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 13 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

The Western 5.00 feet, measured at right angles, of the Eastern 45.00 feet of the North half of the North half of said Lot 13.

EXCEPTING THEREFROM the following described property:

Beginning at a point 20 feet East of the Northwest corner of said Lot 13, said point being on the East line of a 40 foot county road; thence East along the North line of said Lot 13, 168 feet; thence South and parallel with the East line of said County Road, a distance of 164 feet, more or less, to the South line of the North half of the North half of said Lot 13; thence West along the South line of the North half of the North half of said Lot 13, a distance of 168 feet to the East line of the County Road aforesaid; thence North along the East line of said County Road, on a line parallel with the West line of said Lot 13 and distant 20 feet Easterly therefrom, 164 feet, more or less, to the point of beginning.

Dated _____

ISLAMIC CENTER OF MODESTO,
a non-profit corporation

(corporate seal)

By _____

By _____

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

1445 N. CARPENTER ROAD
Parcel 81-28-15

EXHIBIT B

Recording Requested by:
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED
Corporation

ISLAMIC CENTER OF MODESTO, a non-profit corporation, also known as MODESTO ISLAMIC CENTER;

GRANTS to the CITY OF MODESTO, a municipal corporation, a temporary easement to construct, operate, maintain, replace, remove and renew the facilities and appurtenances together with the right of ingress thereto and egress therefrom over, under and across the following described real property in the County of Stanislaus, State of California:

All that portion of the Southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lot 13 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records, described as follows:

A temporary easement for construction purposes, terminating at the end of construction, being a continuous strip of land 10.00 feet wide, measured at right angles, described as follows:

The Western 10.00 feet, measured at right angles, of the Eastern 55.00 feet of the North half of the North half of said Lot 13:

EXCEPTING THEREFROM the following described property:

Beginning at a point 20 feet East of the Northwest corner of said Lot 13, said point being on the East line of a 40 foot county road; thence East along the North line of said Lot 13, 168 feet; thence South and parallel with the East line of said County Road, a distance of 164 feet, more or less, to the South line of the North half of the North half of said Lot 13; thence West along the South line of the North half of the North half of said Lot 13, a distance of 168 feet to the East line of the County Road aforesaid; thence North along the East line of said County Road, on a line parallel with the West line of said Lot 13 and distant 20 feet Easterly therefrom, 164 feet, more or less, to the point of beginning.

Dated _____

ISLAMIC CENTER OF MODESTO,
a non-profit corporation

(corporate seal)

By _____

By _____

1445 N. CARPENTER ROAD
Parcel 81-28-15

This is to certify that the interest in real property conveyed by this deed is hereby accepted by order of the Modesto Municipal Code Section 7-1.701 (d), adopted April 13, 1993, and the grantee consents to recordation thereof.

Date _____

_____
City Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-123

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET FOR THE TENTH STREET PLACE PROJECT TO REFLECT THE BIDS RECEIVED ON FEBRUARY 18, 1998 AND TO REFLECT ADDITIONAL FUNDS FOR PUBLIC ART

WHEREAS, in July 1997, the City Council approved a budget for Block A of the Tenth Street Place redevelopment project. The budget estimate for construction was $34,115,000 including bid alternates; and

WHEREAS, on February 18, 1998, six bids were received and ranged from a low of $28,994,833 to a high of $38,545,500; whereby five of the six bids were below the engineer's estimate; and

WHEREAS, the Public Art Committee has requested additional funds in the amount of $498,000 be provided for public art in the project. These funds can be designated in the budget from the savings that resulted from building construction estimates.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-124

A RESOLUTION SUPPLEMENTING RESOLUTION NO. 98-81 OF THE CITY OF MODESTO AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT TO THE ISSUANCE OF LEASE REVENUE BONDS BY THE MODESTO PUBLIC FINANCE AUTHORITY

WHEREAS, the City of Modesto (the "City") is a charter city and a municipal corporation organized and existing under the laws of the State of California, 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 sell at public or negotiated sale Authority bonds secured in whole or in part by the Obligations of a Local Agency (as defined under the Act), including the City, and

WHEREAS, the Authority has determined to assist the City through a lease financing to finance the costs associated with a mixed-use development, including, among other uses, retail and office uses, a public parking garage, and a City-County Administration building, each of such improvements more commonly referred to as the 10th Street Place Project (the "10th Street Place Project"), together with the financing of a police headquarters building and a communications dispatch center (collectively, the "Project"), and

WHEREAS, on February 10, 1998, pursuant to Resolution No. 98-81 (the "Resolution") of this City Council, the City approved the issuance by the Authority of its Lease Revenue Bonds, Series 1998 (Capital Improvements and Refinancing Project), in the aggregate

principal amount not to exceed $65,000,000 (the "Bonds") to (i) provide funds to finance the Project, (ii) provide funds to refund its outstanding Certificates of Participation (Capital Improvements Project), (iii) pay capitalized interest on the Bonds, (iv) provide a debt service reserve fund for the Bonds and (v) pay the costs of issuance therefor, and

WHEREAS, pursuant to Section 5 of the Resolution, the City Manager or the Interim Finance Director was authorized and directed to do any and all things necessary or advisable in order to obtain municipal bond insurance, if, upon the advice of the City's Financial Advisor (as defined below), such actions would be financially advantageous to the City, and

WHEREAS, the City has now determined to supplement the Resolution by authorizing and directing the City Manager or the Interim Finance Director, in order to obtain municipal bond insurance, to exclude from the Leased Property under the Lease/Purchase Agreement (as defined in the Resolution) the component of the Project constituting the site upon which the Police Headquarters Building will be constructed and to substitute and pledge other real property of the City therefor pending the completion of construction of the Police Headquarters Building, and

WHEREAS, all acts, conditions and things required by the Constitution and 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 Council as follows:

Section 1. The City hereby determines, upon the advice of Public Financial Management, Inc. (the "Financial Advisor"), that it would be financially advantageous to authorize and direct the City Manager or Interim Finance Director of the City, in order to obtain municipal bond insurance, to exclude the component of the Project constituting the site upon which the Police Headquarters Building will be constructed and to substitute and pledge the real property of the City identified on Exhibit A hereto; provided however, that the City Manager or the Interim Finance Director, as the case may be, shall cause as soon as practicable following the completion of construction of the Police Headquarters Building the site upon which said property has been constructed to be substituted for the real property identified on Exhibit A hereto therefor and to cause the lien upon such property to be released.

Section 2. The City Manager, the Interim Finance Director, the City Clerk and all other appropriate officials of the City are hereby authorized and directed, jointly and severally, to do any and all things to execute and deliver any and all documents which they deem necessary or advisable in order to consummate the issuance, sale and delivery of the Bonds and otherwise to effectuate the purposes of this Resolution and the transactions contemplated hereby.

Section 3. This Resolution shall take effect upon its adoption by this City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None.
ABSENT:	Councilmembers:	Smith.

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Fire Station #1
Fire Station #3
Fire Station #5
Fire Station #6
Fire Station #7
McHenry Museum
McHenry Mansion
800 E. Morris/Community Center
Senior Citizens Center
Parking Lot #25
Parking Lot #3
11th Street Parking Structure

I, JEAN ADAMS, City Clerk of the City of Modesto, do hereby certify that the foregoing is the original of Resolution No. 98-124 duly passed and adopted by the Modesto City Council on February 24, 1998.

Jean Adams

JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-125

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH STANISLAUS COUNTY FOR THE CREATION OF A JOINT POWERS AUTHORITY FOR THE JOINT OPERATION OF THE EMERGENCY DISPATCH CENTER.

WHEREAS, on August 12, 1997, the City and Stanislaus County agreed to acquire the A.T. & T. Communications facility at 3705 Oakdale Road to house the existing 911 Communications Center currently located in the County Administration Building, and

WHEREAS, City and County staff have undertaken research regarding available technology to be used in the facility, and to develop proposals for space utilization, and to discuss how the facility will be operated and managed, and

WHEREAS, based on preliminary discussions, staff has developed a proposal which is in the best interests of both agencies for emergency dispatch including:

(1) Development of a permanent partnership by creation of a joint powers agency for the operation of emergency dispatch,

(2) Utilization of a space plan developed by Daniel Smith and Associates and the hiring of a consultant to coordinate renovation, systems development, and acquisition and implementation for the facilities,

(3) Establishment of a project budget for the acquisition of computer systems and furnishings to be shared on a formula developed by staff and approved by the City Council and County Board of Supervisors, and

(4) Development of a plan which may allow for other public or private entities

who have expressed interest in the facility to participate in its use, with options for remote or contracted services, and

WHEREAS, following Council approval of the concept of the joint operation of the Emergency Dispatch Center, this matter will be referred to the Public Safety Committee for its consideration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to enter into negotiations with Stanislaus County for the creation of a Joint Powers Authority for the joint operation of the Emergency Dispatch Center and to implement whatever steps are necessary for the consolidation of this joint venture.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-126

Print

A RESOLUTION OBJECTING TO THE SALE OF TAX-DEFAULTED PROPERTIES AND AUTHORIZING THE CITY MANAGER , OR HIS DESIGNEE, TO PURCHASE SAID PROPERTIES FOR TAXES OWED PLUS ADVERTISING COSTS.

WHEREAS, each year the Stanislaus County Office of Treasurer and Tax Collector receives authorization from the Board of Supervisors under Section 3700 of the Revenue and Taxation Code to dispose of, at public auction, properties for which no property taxes have been paid for at least the previous five years, and

WHEREAS, Section 3695 of the Revenue and Taxation Code allows the City to object to the sale of said properties and to offer to buy those properties for the amount of taxes owed, and

WHEREAS, the City is desirous of objecting to the sale of the tax-defaulted properties set forth in Exhibit "A" attached hereto, and

WHEREAS, by objecting to the sale, the property owners are given an additional period of time to redeem the properties by paying the delinquent taxes, and

WHEREAS, if the City were to acquire one or more of these properties, the land and/or homes would be made available for affordable housing purposes, which could include resale through the City's Down Payment Assistance Program or provide additional transitional housing for homeless families, and

WHEREAS, the Community Development and Housing Committee reviewed this action at its February 18, 1998, meeting, and recommended approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to object to the sale of tax-defaulted properties set forth in Exhibit "A" attached hereto, and to offer to purchase said properties for taxes owed, plus advertising costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPENDIX A

ADDRESS	TAXES OWED
1. 2800 Merle Avenue	$ 12,387.51
2. 2824 Merle Avenue	$ 10,790.33
3. 2844 Merle Avenue	$ 10,854.57
4. 2908 Merle Avenue	$ 11,333.14
5. 2812 Walnut Terrace	$ 10,870.32
6. 4121 Windom Court	$ 8,934.06
7. 4th & H Street (Lot only)	$ 8,016.04
8. 601 Fleetwood	$ 16,547.71
SUBTOTAL:	**$ 89,733.68**
ADVERTISING COSTS:	$ 800.00
TOTAL:	**$ 90,533.68**

MODESTO CITY COUNCIL
RESOLUTION NO. 98-127

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TRANSFERRING $39,000 FROM THE ASSET FORFEITURE TRUST ACCOUNT AND APPROPRIATING IT TO POLICE OPERATIONS

WHEREAS, two police officers are being sent to Denmark to select and purchase four new police canines. The officers will receive canine training techniques with the dogs and then return two of the dogs to Modesto; with the other two being sent at a later date; and

WHEREAS, the cost of the project is $19,000 with private donations in the amount of $10,000 provided to the Police Canine Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
010-190-1961-7202	$ 9,000
010-190-1941-7202	$30,000
Expenditures	
010-190-1961-0308	$ 9,000
010-190-1941-0429	$30,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of February 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-129

A RESOLUTION ACCEPTING THE PROJECT TITLED "STANDIFORD AVENUE - ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Standiford Avenue - Road Construction and Drainage Improvements, has been completed by Donald L. Oberg, General Engineering Contractor, in accordance with the contract agreement dated October 22, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Standiford Avenue - Road Construction and Drainage Improvements be accepted from said contractor, Donald L. Oberg, General Engineering Contractor; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $746,288.05 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-130

A RESOLUTION ACCEPTING THE PROJECT TITLED "ENCINA STORM DRAIN PHASE II" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Encina Storm Drain Phase II, has been completed by Allen A. Waggoner Construction Inc., in accordance with the contract agreement dated August 19, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Encina Storm Drain Upgrade Phase II be accepted from said contractor, Allen A. Waggoner construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $107,814.56 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-131

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $2,500.00 TO FULLY FUND ENCINA STORM DRAIN UPGRADE PHASE II

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 628-480-J751 6040; $2,500

TO: 628-480-E577 6040; $2,500

Transfer is needed to fully fund the project as a result of extra work resulting from unanticipated utility conflicts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-132

A RESOLUTION AUTHORIZING CITY OFFICIALS TO EXECUTE DOCUMENTS FOR THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) AND THE CALIFORNIA OFFICE OF EMERGENCY SERVICES (OES) IN RELATION TO THE "EL NINO 98" FLOODS.

WHEREAS, in order for the City to file claims for the purpose of obtaining certain financial Federal Assistance under Federal Public Law 93-288, it is necessary to authorize selected City officials to execute for and on behalf of the City of Modesto numerous documents, forms, and letters detailing the nature and justification of claims in relation to the incident known as the "El Nino 98" Floods,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following City officials are hereby authorized to execute and submit documents required by the Federal Emergency Management Administration (FEMA) and the California State Office of Emergency Services (OES), on an ongoing basis, for the purpose of filing claims for reimbursements for disaster assistance due to the incident known as the "El Nino 98" Floods:

J. Edward Tewes, City Manager

Paul Baxter, Deputy City Manager

Duane Frederick, Parks Superintendent

Barry Newlin, Accounting Division Manager

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-133

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ISLAMIC CENTER OF MODESTO FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Islamic Center of Modesto for the purchase of right of way needed for the Carpenter Road widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-134

Print

A RESOLUTION APPROVING CHANGING THE NAME OF THE AFFIRMATIVE ACTION COMMISSION TO EQUAL OPPORTUNITY/ DISABILITY COMMISSION.

WHEREAS, in view of recent changes generated by the passage and implementation of Proposition 209, the Affirmative Action Commission believes that a new name would more accurately reflect its mission, and

WHEREAS, during its September 15, 1997, meeting, the Affirmative Action Commission voted to change its name to Equal Opportunity/Disability Commission, and

WHEREAS, the City Manager and the Affirmative Action Officer endorse changing the Commission's name to Equal Opportunity/Disability Commission, and

WHEREAS, the Economic Development Committee and the Community & Intergovernmental Relations Committee reviewed the recommendation for name change on February 12, 1998, and recommended its approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves changing the name of the Affirmative Action Commission to Equal Opportunity/Disability Commission in order to more accurately reflect the mission of the Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-135

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF HOWARD MALLORY FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE MARCH 3, 1998

WHEREAS, Howard Mallory was appointed a member of the Human Relations Commission on January 2, 1996; and

WHEREAS, Howard Mallory has tendered his resignation from the Human Relations Commission, effective March 3, 1998; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Howard Mallory from the Human Relations Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-136

Print

A RESOLUTION APPOINTING ADRIAN MENDOZA TO THE CULTURE COMMISSION

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

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

SECTION 1. Adrian Mendoza is hereby appointed to the Culture Commission.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of March, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-137

Print

A RESOLUTION VACATING AND ABANDONING THE MIDDLE PORTION OF THE NORTH-SOUTH ALLEY IN BLOCK 2098 AND RESERVING AN EASEMENT FOR PUBLIC UTILITY SERVICES, LOCATED BETWEEN 140 COVENA AND 145 CAMELLIA AVENUES SOUTH OF MILLER AVENUE.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 98-101 on February 17, 1998, declaring its intention to vacate and abandon the middle portion of the north-south alley in Block 2098 and reserve an easement for public utility services, located between 140 Covena and 145 Camellia Avenues south of Miller Avenue, and

WHEREAS, said alley to be vacated and abandoned and the easement to be reserved for public utility services are more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 98-101 set March 10, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the time and place for a public hearing for all persons interested in or objecting to the proposed vacation and abandonment, and

WHEREAS, said Resolution No. 98-101 was published in *The Modesto Bee*, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Community Development Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously along

the lines of the property proposed to be vacated and abandoned at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and

WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 98-04, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, March 10, 1998, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highway Code Sections 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law in order to vacate and abandon said alley have been done and accomplished, and

WHEREAS, the Council finds and declares that the middle portion of the north-south alley to be vacated and abandoned, located in Block 2098 of the City of Modesto, located between 140 Covena and 145 Camellia Avenues south of Miller Avenue, is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest, and that an easement should be reserved for public utility services, and

WHEREAS, on January 2, 1998, the City's Community Development Department, by Environmental Assessment Initial Study No. 98-01, judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities,

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

1. That the central portion of the north-south alley right-of-way extending south from Miller Avenue between Covena and Camellia Avenues is unnecessary for present or future pedestrian or vehicular use.

2. That a public utility easement will be required to serve water and sewer lines and other public utilities and no buildings or structures will be permitted within the utility easement.

3. That the abandonment and vacation of the alley right-of-way is in conformance with the City of Modesto General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of the middle portion of the north-south alley in Block 2098 and reserves an easement for public utility services, located between 140 Covena and 145 Camellia Avenues south of Miller Avenue. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the easement, as shown on Exhibit "B", shall be reserved for public utility services.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by ~~Councilmember~~ Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

EXHIBIT "A"

valley engineering
A Professional Corporation
Land Planning • Engineering • Surveying
900 "H" Street, Suite G • Modesto, CA 95354 • (209) 526-4214 • FAX (209) 526-0803

January 7, 1998
Job No. 71234

LEGAL DESCRIPTION TO ACCOMPANY AN ALLEY ABANDONMENT (MARVIN BYERLY)

ALL that certain real property situate in a portion of the Southwest Quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in the City of Modesto, State of California, more particularly described as follows:

BEING that 20.00 foot wide alley adjacent to Lots 3, 4, 5, 6, 7, 17, 18, 19, 20 and 21 of the Covena Park Tract, as shown on the Map filed in Volume 11 of Maps, at Page 7, Stanislaus County Records.

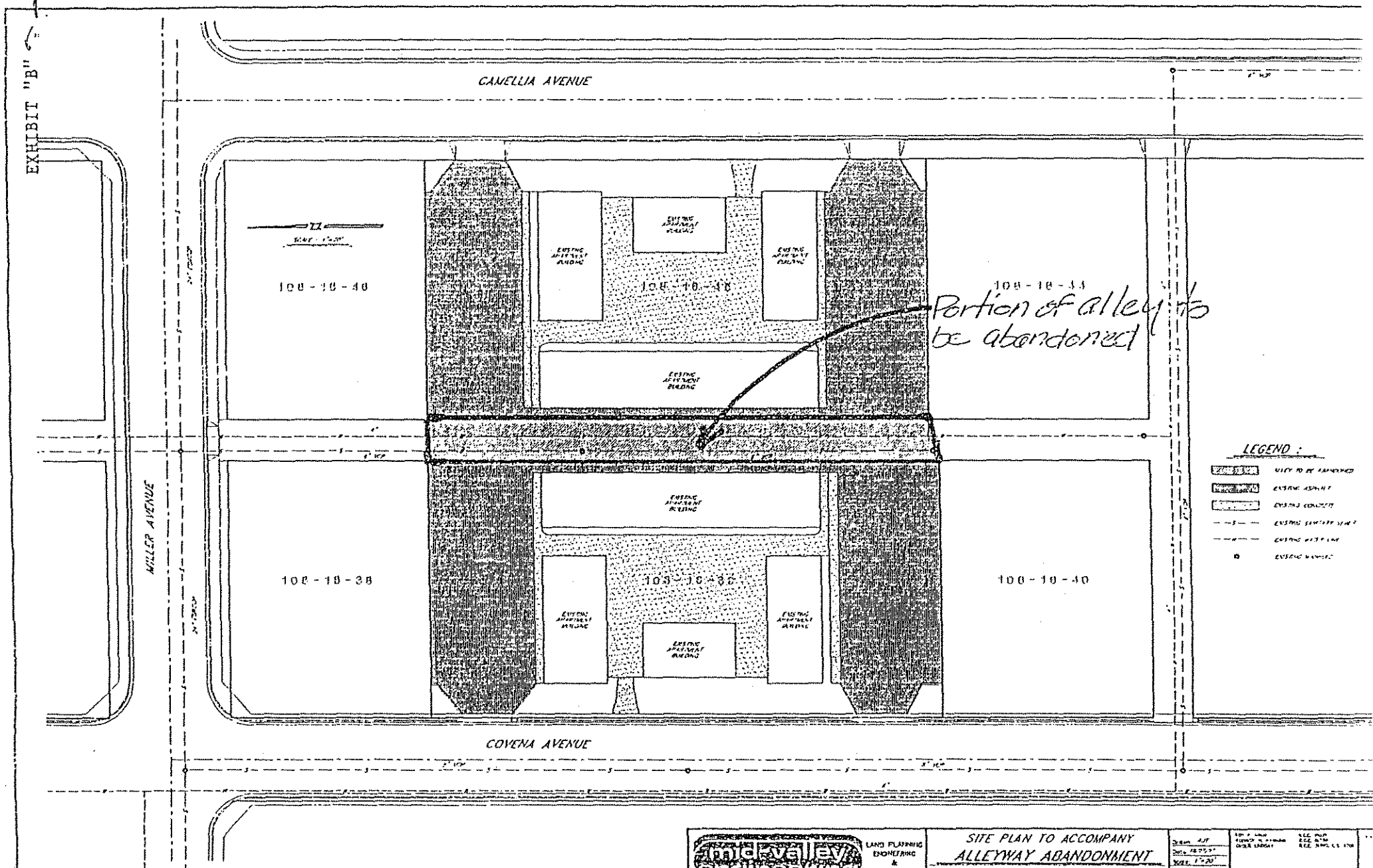
ALSO including the Westerly 10.00 feet of the 20.00 foot wide alley adjacent to PARCEL "B", as shown on the Map filed in Book 2 of Parcel Maps, at Page 98, Stanislaus County Records.

Reserving all of the above-described alley as a public utilities easement.

PROFESSIONAL LAND SURVEYOR
CROLIE E LINDSAY, JR.
NO. 4709
EXP. 09/30/99
STATE OF CALIFORNIA

Crolie E. Lindsay, L.S. 4709

EXHIBIT "B"



modesto valley engineering
LAND PLANNING ENGINEERING & SURVEYING
909 H STREET, SUITE G
MODESTO, CALIFORNIA, 95354
(209) 526-4314
FAX 526-0503

SITE PLAN TO ACCOMPANY
ALLEYWAY ABANDONMENT
APPLICATION
MODESTO MARVIN BYERLY CALIFORNIA

RESOLUTION VACATING STREET, ALLEY OR RIGHT-OF-WAY

File 16.5-2

	2	Clerk
	2	Attorney
	1	Public Works
	1	Engineering Services
	1	Fire
	1	Police
*	1	County Recorder
	1	MID
	1	PG&E
	1	Pacific Bell
	1	Del Este Water Co.
	13	

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
Attn: Helen Hoskins
44 West Yokuts
Stockton, CA 95207

Del Este Water Co.
P. O. Box 3250
Modesto, CA 95353

* Temporary Closings do not Record

MODESTO CITY COUNCIL
RESOLUTION NO. 98-138

A RESOLUTION ACCEPTING THE BID OF AMERINE SYSTEMS INC. FOR THE PROJECT TITLED "BRIGGSMORE AND COFFEE STORM LIFT STATION"

WHEREAS, the bids received for Briggsmore and Coffee Storm Lift Station were opened at 11:00 a.m. on February 24, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Amerine Systems Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $165,074.00 from Amerine Systems Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Dobbs, Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-139

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $199,000.00 TO FULLY FUND THE BRIGGSMORE AND COFFEE STORM LIFT STATION

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 628 480 J699 All; $66,000
628 480 H087 All; $ 5,000
628 480 H083 6040; $128,000

TO: New CIP Account 6060; $199,000

Most of the funds in the Coffee Road Storm Drain fund were expended earlier this year to install a storm drain system for the coffee/Briggsmore Widening project. The amount of 48" pipe needed to store water prior to pumping into the canal was greater than anticipated. Expenditures on extra pipe left insufficient funds in the Coffee Road Storm account for this project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs, Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-140

Print

A RESOLUTION ACCEPTING THE BID OF WILLE ELECTRIC SUPPLY COMPANY FOR FURNISHING ABOUT TEN VARIABLE FREQUENCY DRIVES PER YEAR, FOR UP TO TWO-AND-ONE-HALF YEARS, FOR A FIRST YEAR COST NOT TO EXCEED $90,000.00

WHEREAS, Resolution No. 97-679, adopted by the Council of the City of Modesto on December 7, 1997 approved the call for bids for furnishing about ten variable frequency drives; and

WHEREAS, the bids received for furnishing about ten variable frequency drives, were opened at 11:00 a.m. on January 12, 1998, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Wille Electric Supply Company for a first year total cost not to exceed $90,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wille Electric Supply Company be accepted and the preparation of a formal purchase order by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1997, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-141

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO REFLECT THE FINAL FIGURES ON THE 10TH STREET PLACE PROJECT

WHEREAS, the 10th Street Place financing is complete and funds will become available on March 11, 1998. The City needs to amend the budget to reflect final figures which will enable the necessary accounting entries for the financing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as shown on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Dobbs, Conrad

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Attachment A

Appropriations

Fd	Agy	Orgn	Objt	Appr Unit	Current Budget	Adjustment	Revised Budget	
210	120		0454	n/a	0	1,559,487	1,559,487	Cost of Issuance
210	700	7000	7130	n/a	0	30,503,885	30,503,885	Transfer Out to Fund 130
210	700	7000	7907	n/a	0	15,308,860	15,308,860	Transfer Out to Fund 907
210	700	7000	7945	n/a	0	9,423,322	9,423,322	Transfer Out to Fund 945
943	120	DS19	0448	n/a	0	2,954,533	2,954,533	Other Financing uses
943	120	DS19	0449	n/a	0	400,562	400,562	Advance refunding escrow
130	140	J219	6040	219	2,825,000	15,650,365	18,475,365	JPA Building
130	140	J192	6040	192	475,000	1,525,000	2,000,000	Communications Center
130	190	J299	6040	299	0	10,625,000	10,625,000	Police Headquarters
907	140	J887	6040	887	4,700,000	7,036,333	11,736,333	Block A/Parking Garage
907	140	J892	6040	892	0	100,000	100,000	Block B Improvments
907	140	J893	6040	893	0	1,878,332	1,878,332	Cinema Assistance
907	140	J894	6040	894	0	100,000	100,000	Project Administrations
907	140	J895	6040	895	0	550,000	550,000	Prior Design Costs

Revenues

210	510	9510	8301	0	56,795,552	56,795,552	Other Financing Sources(new)
943	510	9510	8301	0	2,954,533	2,954,533	Other Financing Sources(refunding)
130	700	7000	9210	0	30,503,885	30,503,885	Transfer In From Fund 210
907	700	7000	9210	0	15,308,860	15,308,860	Transfer In From Fund 210
945	700	7000	9210	0	9,423,322	9,423,322	Transfer In From Fund 210

MODESTO CITY COUNCIL
RESOLUTION NO. 98-142

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA) FOR PUBLIC OPERATING AND CAPITAL PURPOSES AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS.

WHEREAS, the Federal Transportation Administrator has been delegated authority to award Federal financial assistance for a transportation project, and

WHEREAS, the grant or cooperative agreement for Federal financial assistance will impose certain obligations upon the City of Modesto, the "Applicant", and may require the Applicant to provide the local share of the project cost, and

WHEREAS, the Applicant has or will provide all annual certifications and assurances to the Federal Transit Administration required for the project,

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

1. That the City Manager of the City of Modesto, or his authorized designee, is authorized to execute and file an application for Federal assistance on behalf of the City of Modesto with the Federal Transit Administration for Federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration. The Applicant has received authority from the Designated Recipient to apply for Urbanized Area Formula Program.

2. That the City Manager, or his authorized designee, is authorized to execute and file with its applications the annual certifications and assurances and other documents the Federal Transportation Administration requires before awarding a Federal assistance grant or cooperative agreement.

3. That the City Manager, or his authorized designee, is authorized to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CERTIFICATION

The undersigned duly qualified City Clerk, acting on behalf of the City of Modesto, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the City Council of the City of Modesto held on the 10th day of March, 1998.

Dated: 3/12/98

Jean Adams

JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-143

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT MORRIS NEWMAN FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert Morris Newman for the purchase of right of way for the Carpenter Road widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-144

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NEILL MICHAEL WISE, ET AL., FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Neill Michael Wise, et al. for the purchase of right of way needed for the Carpenter Road widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-145

Print

A RESOLUTION AMENDING THE CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT FOR FISCAL YEAR 1998-1999.

WHEREAS, on May 2, 1995, the Modesto City Council approved a Consolidated Plan for Housing and Community Development ("Plan") for the years 1995-2000, and

WHEREAS, the Plan's goal is to integrate housing, economic and community development needs, resources, and strategies in a coordinated and comprehensive manner so that the City of Modesto, its neighborhoods and families can work together, and

WHEREAS, the Plan has been instrumental in assisting the City of Modesto's Community Development Department in allocating Community Development Block Grant ("CDBG"), HOME Investment Program, and Emergency Shelter Grant funds, and

WHEREAS, the Plan identifies the City of Modesto's primary community development priorities as (1) Neighborhood Revitalization, (2) Economic Development, and (3) Capital and Infrastructure Improvements, and

WHEREAS, in order for the City of Modesto to effectively address emerging community needs and allocate funds, it is necessary that the priorities of the Plan be amended to enable staff to focus limited Federal resources in meeting emergency development needs,

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

1. The priorities of the Consolidated Plan for Housing and Community Development for the Fiscal Year 1998-1999 shall be amended as follows:

(1) Economic Development (including job training),

(2) Capital Improvements in low and moderate income neighborhoods,

(3) Additional Public Safety services in low and moderate income neighborhoods, and

(4) Welfare to Work initiative including child care, transportation, emergency food and homeless prevention.

2. The amended priorities of the Consolidated Plan for Housing and Community Development for the Fiscal Year 1998-1999 shall be forwarded to the Citizens Housing and Community Development Committee for their use in reviewing and recommending Community Development Block Grant Public Service funds.

3. The City of Modesto will continue to work with local nonprofit organizations and agencies to develop collaborative arrangements and comprehensive programs in order to carry out community efforts which are deemed eligible under the Community Development Block Grant Public Service category.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-146

Print

A RESOLUTION PROCLAIMING THE TERMINATION OF THE LOCAL EMERGENCY CAUSED BY AN UNPRECEDENTED AMOUNT OF HEAVY RAINFALL.

WHEREAS, by Resolution No. 98-94, adopted on February 10, 1998, the City Council proclaimed the existence of a local emergency based on extreme peril to the safety of persons and property in the City of Modesto due to unprecedented amounts of heavy rainfall, and

WHEREAS, by Resolution No. 98-98, adopted on February 17, 1998, the City Council confirmed the existence of a local emergency and confirmed rules and regulations issued by the Director of Emergency Services on February 11, 1998, and

WHEREAS, the Council is required to proclaim the termination of the local emergency at the earliest possible date that conditions warrant, and

WHEREAS, at the Council Meeting of March 17, 1998, the Director of Emergency Services reported to the City Council that conditions currently warrant the termination of the local emergency,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby proclaims that conditions currently warrant the termination of the local emergency which was caused by unprecedented amounts of heavy rainfall, and said local emergency is, therefore, officially terminated..

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-147

Print

A RESOLUTION DENYING THE APPEAL OF WILLIAM B. HUGHES TO A DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR CONCERNING A PROTEST TO CAPITAL FACILITIES FEES PAID TO OBTAIN A BUILDING PERMIT FOR A FAMILY AUTOMOTIVE TENANT IMPROVEMENT LOCATED AT 817 EIGHTH STREET IN THE CITY OF MODESTO.

WHEREAS, on September 19, 1997, Mr. Bill Hughes (the "Applicant") submitted plans for a building permit for a Family Automotive Shop located at 817 Eighth Street, and

WHEREAS, one portion of the proposed remodeling project was to enclose a covered area for automotive repair use, and

WHEREAS, the Capital Facility Fee (CFF) for the building permit was in amount of $7,099.20, which was based on 50% of the total CFF due for a new project, and based on the established CFF Task Force Administrative Guideline, and

WHEREAS, on December 23, 1997, the Applicant under protest paid the required CFF and a building permit was issued, and

WHEREAS, the Applicant appealed to the Chief Building Official and the Community Development Director, and both, the Chief Building Official and the Community Development Director, denied the Applicant's appeal, and

WHEREAS, by letter dated February 24, 1998, an appeal to the Council was filed on February 25, 1998, by the Applicant, and said appeal was set for a City Council public hearing, duly noticed, to be held on Tuesday, March 17, 1998, at 7:00 p.m., in the

Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time said public hearing was held by the Council, and evidence both oral and documentary was taken and introduced, and

WHEREAS, after said hearing, the Council found and determined that said appeal should be denied,

NOW, THEREFORE, BE IT RESOLVED by the City Council that the appeal filed by the Applicant is hereby denied for the following reasons:

1. The Administrative Guidelines established by the Capital Facility Fee Task Force requires 50% of the CFF to be paid when an enclosure is built around a previously covered area for the following reasons:

    a. The enclosure is an enhancement of a business activity.

    b. Police surveillance and fire suppression cannot be provided as easily in an enclosed structure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Serpa, Mayor Lang

NOES: Councilmembers: Conrad, Friedman, Smith

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-148

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $50,000 FROM THE GENERAL FUND CONTINGENCY RESERVE TO THE REDEVELOPMENT AGENCY

WHEREAS, the Research Team for the Regional Center for the Arts is working with a professional consultant to review the feasibility of building and operating a regional arts center in Downtown Modesto; and

WHEREAS, the feasibility study will evaluate the options, models from other communities, and develop recommendations for moving forward.

WHEREAS, an appropriation of $50,000 is needed to provide partial funding of the feasibility.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Attachment A

Appropriations

Fd	Agy	Orgn	Objt	Appr Unit	Current Budget	Adjustment	Revised Budget	
010	701	7001	9908	01L	0	50,000	50,000	Transfer Out to Fund 908
010	800	8000	8003	01H	10,170,336	50,000	10,220,336	Contingency Reserve
908	140	1492	0235	93B	0	50,000	50,000	Transfer Out to Fund 130

Revenue

908	701	7001	9010	n/a	0	50,000	50,000	Transfer In to Fund 010

MODESTO CITY COUNCIL
RESOLUTION NO. 98-149

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE RESEARCH TEAM FOR THE CENTER FOR THE ARTS, A NON-PROFIT FOUNDATION, FOR PARTICIPATION IN THE FEASIBILITY STUDY FOR THE REGIONAL CENTER FOR THE ARTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Research Team for the Regional Center for the Arts for participation in a feasibility study be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-150

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEVERLY PRIOR ARCHITECTS FOR DESIGN OF THE MODESTO POLICE BUILDING EXPANSION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beverly Prior Architect for design of the Modesto Police Building Expansion project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-151

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): MODESTO POLICE BUILDING EXPANSION PROJECT (AGREEMENT FOR ARCHITECTURAL SERVICES).

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

WHEREAS, the Police Building Expansion Project will be accomplished by preparation of a site master plan, construction of a new 40,000 square foot facility to accommodate administrative and investigative services, remodeling the existing facility for field operations, and providing site improvements including structure demolition and new parking facilities, located in the urbanized central core of downtown Modesto, between "F" and "G" Streets and 10th and 11th Streets, and

WHEREAS, the commencement of the project requires entering into an agreement for architectural services with *Beverly Prior Architects* for design of the Project, and

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

environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, on March 5, 1998, the City's Engineering and Transportation Department by Environmental Assessment Initial Study No. E&T-98-01 reviewed the proposed Modesto Police Building Expansion project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the Modesto Police Building Expansion Project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

3. That, as per Section 21157.1 of the Public Resources Code, no new

environmental document or findings are required by the California Environmental Quality Act (CEQA).

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CITY OF MODESTO
INITIAL STUDY TO DOCUMENT FINDINGS
MODESTO POLICE BUILDING EXPANSION PROJECT WITHIN THE SCOPE OF
MODESTO URBAN AREA GENERAL PLAN MASTER EIR
E.A. NO. E&T-98-01

I. PURPOSE:

On August 15, 1995, the Modesto City Council (lead agency) certified the Final Master Environmental Impact Report for the Modesto Urban Area Plan (SCH #92052017). CEQA allows the limited review of subsequent projects if they can be found to be within the scope of the Master EIR. The Final EIR analyzed the impacts of the build-out of the Modesto Urban Area General Plan, which includes the area where this proposed subsequent project is proposed.

Section 21157.1 of Public Resources Code - Review of Subsequent Projects for a Master EIR - states that for proposed subsequent projects:

> "The lead agency shall prepare an initial study on any proposed subsequent project. This initial study shall 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.
>
> If the lead agency, based on the initial study, determines that a proposed subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158, that was not identified in the master environmental impact report and that no new or additional mitigation measures or alternatives may be required, the lead agency shall make a written finding based upon the information contained in the initial study that the subsequent project is within the scope of the project covered by the master environmental impact report. No new environmental document nor findings pursuant to Section 21081 shall be required by this division.

The purpose of this Initial Study is to document the finding that the proposed Modesto Police Building Expansion (the project) is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR.

Sections III and IV provide analysis by the lead agency (City of Modesto) to make the determination whether the project will cause a significant effect that was not analyzed by the Master EIR pursuant to Public Resources Code Section 21157.1(b).

II. PROJECT DESCRIPTION:

A. Project Title: Modesto Police Building Expansion

B. Lead Agency Name and Address:

City of Modesto, 801 Eleventh Street, Modesto, CA 95354

C. Contact Person and Phone Number:

Steve Pace, Engineering & Transportation Department
(209) 577-5265

D. Project Location:

In the urbanized central core of downtown Modesto (incorporated in 1884) between "F" and "G" Streets and 10th and 11th Streets.

E. Project Sponsor:

City of Modesto Engineering & Transportation Department

F. General Plan Designation: Redevelopment Planning District

G. Current Zoning: CM, Commercial/Industrial Zone

H. Description of Proposed Project:

This project includes: 1) preparation of a master plan for the site bounded by 10th Street, the alley that is parallel to and between 11th Street and 12th Street, F Street and G Street (See attached Exhibit 1, "Location of Master Plan Area"); 2) constructing a new 40,000 square-foot facility to accommodate administrative and investigative services; 3) remodeling the existing facility for field operations; and 4) providing site improvements including structure demolition and new parking facilities.

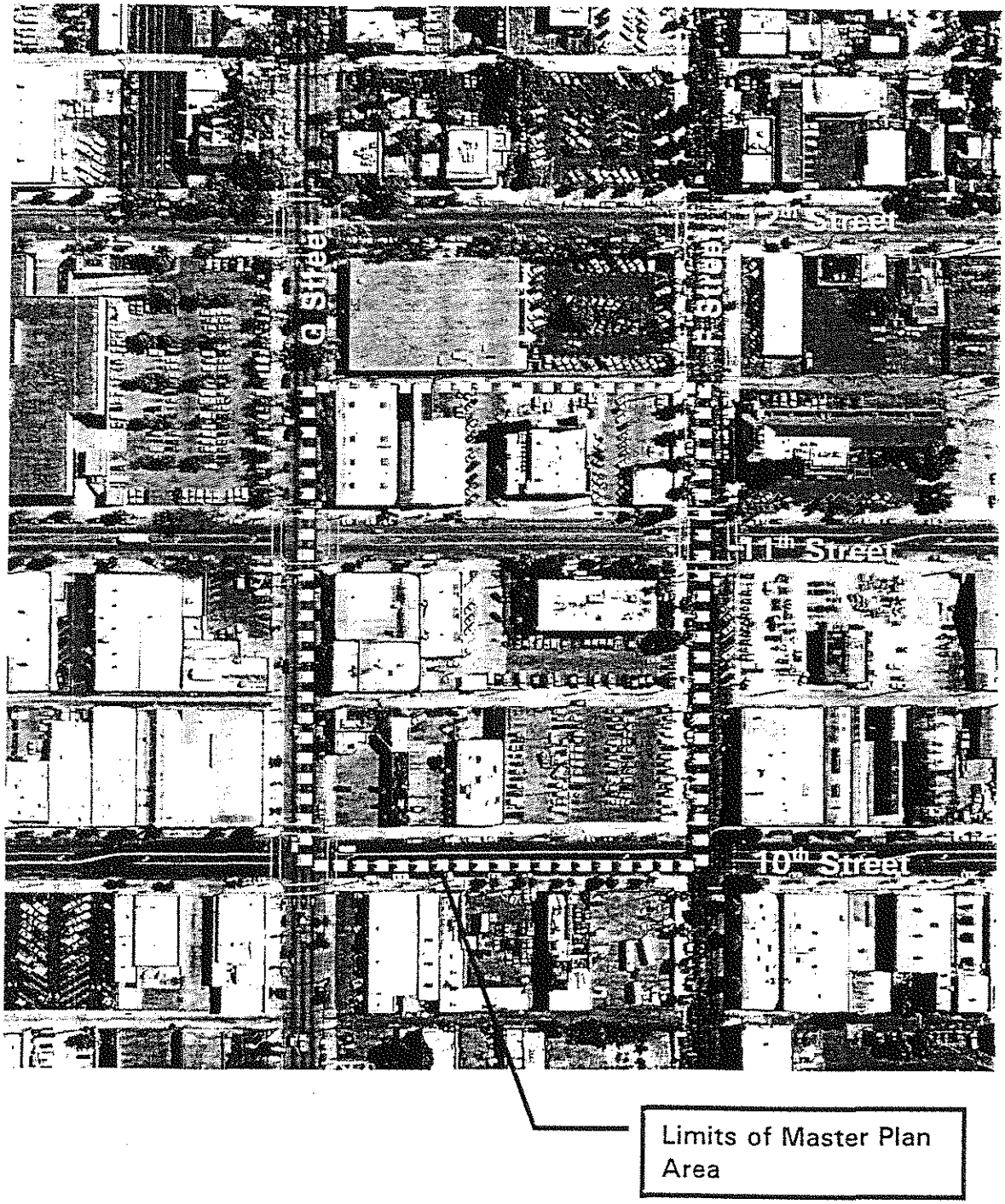
I. Surrounding Land Uses:

This project is adjoined on the east by City Fire Station No. 1; on the north by Stanislaus County Administrative Building, a lock and safe business and automotive parts businesses; to the west by automotive parts store, and paved parking area; and on the south by an implement and hardware business.

J. Other Public Agencies Whose Approval is Required: None

EXHIBIT 1

LOCATION OF MASTER PLAN AREA



III. ANALYSIS OF WHETHER THE PROPOSED SUBSEQUENT PROJECT MAY CAUSE ADDITIONAL SIGNIFICANT EFFECTS NOT EXAMINED IN THE MODESTO URBAN AREA GENERAL PLAN MASTER EIR

The impact categories listed below reference the analysis covered by the General Plan Master EIR by page numbers (SCH #92052017).

A. Traffic and Circulation (Pages IV-1-1 thru IV-1-38)
B. Degradation of Air Quality (Pages IV-2-1 thru IV-2-25)
C. Generation of Noise (Pages IV-3-1 thru IV-3-33)
D. Loss of Productive Agricultural Land (Pages IV-4-1 thru IV-4-16)
E. Increased Demand for Water Supplies (Pages IV-5-1 thru IV-5-11)
F. Increased Demand for Sanitary Sewer Services (Pages IV-6-1 thru IV-6-9)
G. Loss of Sensitive Wildlife and Plant Habitat (Pages IV-7-1 thru IV-7-30)
H. Disturbance of Archaeological and Historic Sites (Pages IV-8-1 thru IV-8-21)
I. Drainage, Flooding and Water Quality (Pages IV-9-1 thru IV-9-23)
J. Increased Demand for Storm Drainage (Pages IV-10-1 thru IV-10-8)
K. Increased Demand for Parks and Open Space (Pages IV-11-1 thru IV-11-11)
L. Increased Demand for Schools (Pages IV-12-1 thru IV-12-11)
M. Increased Demand for Police Services (Pages IV-13-1 thru IV-13-8)
N. Increased Demand for Fire Services (Pages IV-14-1 thru IV-14-9)
O. Generation of Solid Waste (Pages IV-15-1 thru IV-15-10)
P. Generation of Hazardous Materials (Pages IV-16-1 thru IV-16-15)
Q. Landslides and Seismic Activity (Pages IV-17-1 thru IV-17-11)
R. Energy (Pages IV-18-1 thru IV-18-6)

The Modesto Police Building Expansion project is consistent with the allowed density and intensity of uses in the General Plan and would not alter the assumptions or standards of significance used in the MEIR. It is not located within any MEIR resource study zones requiring further analysis. Therefore, significant impacts identified in the MEIR (referenced above) would not change. Thus there is no need for new or additional mitigation measures or alternatives.

The expanded police facility would not significantly increase traffic impacts to the surrounding street system. The number of employees assumed in the Master EIR traffic model for this area is substantially the same as anticipated for the expanded facility. According to Captain David Leonardo, Modesto Police Department, the number of employees will not significantly increase from the existing building. Thus, no new or additional traffic mitigation measures are required for this project (page 20, Appendices, General Plan Master EIR).

The Modesto Police Building Expansion project is located within a Hazardous Materials Zone according to Figure 16-1, Master EIR. A Phase I environmental site assessment was performed by Twining Laboratories (12/2/97). The assessment concluded there are no underground storage tanks (UST) on the site and no remediation is required for adjacent UST's. In addition, a Phase II assessment may be required to determine the extent of soil contamination from a plant which existed on-site that

manufactured gas from petroleum oil in the 1910's. The Master EIR (Page IV-16-13) requires that for all development projects located within the Redevelopment Area that certain mitigation measures be incorporated into the project. Those mitigation measures, listed on attached Exhibit "2", shall be incorporated into the Modesto Police Building Expansion Project. These measures include a site remediation plan, which would be prepared in coordination with the Stanislaus County Environmental Resources Department to clean up any contamination found on site.

IV. ANALYSIS OF WHETHER THE PROPOSED SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER EIR

The project is located in the City's "Redevelopment Area" and is an expansion of an existing use. It conforms to the adopted General Plan and existing zoning which is C-2, General Commercial and CM, Commercial Industrial. For application of the Master EIR to "Anticipated Subsequent Projects" within the Redevelopment Area, (Page IV-19-3 MEIR):

> "If a subsequent project within the "Redevelopment Area" conforms to the adopted Plan and existing zoning, the Initial Study for the project will find it to be within the scope of the Master EIR."

V. DETERMINATION AND FINDINGS:

The City of Modesto (lead agency) hereby finds on the basis of this initial study that for the proposed subsequent project the following apply:

A. That the Modesto Police Building Expansion (proposed subsequent project) will not cause any additional significant effect on the environment that was not examined in the Modesto Urban Area General Plan master environmental impact report.

B. That no new or additional mitigation measures or alternatives are required.

C. That the Modesto Police Building Expansion (proposed subsequent project) is within the scope of the project analyzed by the Modesto Urban Area General Plan Master Environmental Impact Report.

D. That no new environmental document or findings pursuant to Public Resources Code Section 21081 are required.

E. The initial study, Environmental Assessment No. E&T-98-01, provides substantial evidence to support the above determination and findings.

Steve Pace

Date: March 5, 1998

Steve Pace
Associate Civil Engineer

SP:dj

EXHIBIT "2"

GENERAL PLAN MASTER EIR
MITIGATION MEASURES FOR
GENERATION OF HAZARDOUS MATERIALS

FOR PROJECTS LOCATED IN THE REDEVELOPMENT AREA

A. All development projects located within the Baseline Developed Area (and Redevelopment Area) shall be required to incorporate the following measures into the project.

1. In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant.

   The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, State and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

   If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to a level sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine that overall feasibility of locating a specific use on a specific site. In some cases, it may be found that a site may be appropriate for any use; in other cases, a site may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

   In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record.

2. Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities (generally depicted on Figure 16-1) shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in Mitigation Measure A.1.

3. For each specific project that would generate hazardous waste, the City shall require as a condition of building permit and/or business license approval that the project sponsor prepare a hazardous material transportation program. The transportation program shall identify the location of the new facility or use and

designate either (1) specific routes to be used for transport of hazardous materials and wastes to and from the facility, or (2) specific routes to be avoided during transport of hazardous materials and wastes to and from the facility. Routes would be selected to minimize proximity to sensitive receptors to the greatest practical degree. Passage through residential neighborhoods should be minimized, and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-152

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND VANIR CONSTRUCTION MANAGEMENT INC. FOR CONSTRUCT MANAGEMENT SERVICES THROUGH DESIGN AND BIDDING OF THE MODESTO POLICE EXPANSION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Vanir Construction Management Inc. for construction management services through design and bidding of the Modesto Police Expansion Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-153

A RESOLUTION DESIGNATING THE PROPERTY AT 125 POPLAR AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: VIRGINIA LISH)

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on February 23, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 98-1, that the property at 125 Poplar Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and use are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact.

4. The existing and proposed use are compatible with preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on March 24, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined

that the property at 125 Poplar Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 125 Poplar Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 125 Poplar Avenue has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

> Historic and architectural significance as a well-maintained Craftsman-Bungalow single-family residence from the turn of the century.

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 24th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

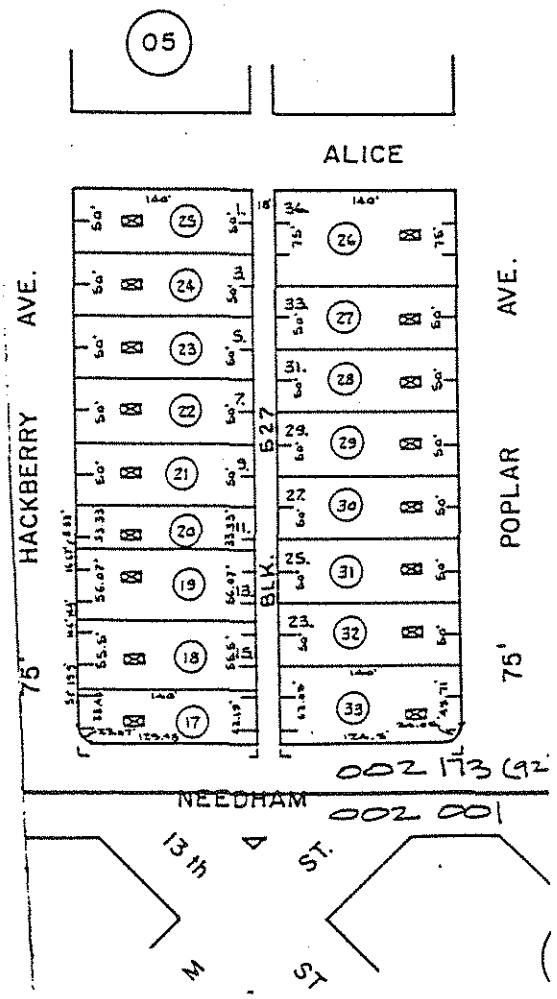
W.H. Howell Home
125 Poplar Avenue
Virginia H. Lish, Owner

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

Lots 30 and 31 in Block 527 of the City of Modesto according to the official map thereof filed in the Office of the Recorder of Stanislaus County, California August, 1982 (82-828781) with the address of 125 Poplar Avenue. Tax parcel #110-09-28-101.

POR. NE 1/4 SECTION 29 T. 3S. R. 9E. M. D. B. & M.
CITY OF MODESTO – BLKS. 516, 527, 528



Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-154

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 7) AT 125 POPLAR AVENUE, LANDMARK SITE NO. 41, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNER: VIRGINIA LISH)

WHEREAS, Virginia Lish, owner of the property at 125 Poplar Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on February 23, 1998, and

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes the authority for the Landmark Preservation Commission to recommend and the City Council to approve landmark preservation contracts after benefit of a public hearing, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the City to enter into historical property contracts (Mills Act Contract) with owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance, and

WHEREAS, a Mills Act Contract was submitted for 125 Poplar Avenue, which met State law and garnered staff support, given a reasonable relationship of past and future estimates of improvement and maintenance to tax savings as a result of contract completion, and

WHEREAS, a public hearing was held by the Landmark Preservation Commission on February 23, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 7, by Resolution No. 98-2, the Landmark Preservation Commission recommended to the City Council approval of said contract for the property at 125 Poplar Avenue, and

WHEREAS, after a public hearing held on March 24, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Historic Property Preservation Agreement for the property at 125 Poplar Avenue, meets the requirements of Government Code Section 50280, et seq., and should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract No. 7) for the property at 125 Poplar Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is hereby authorized to execute said agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-155

Print

A RESOLUTION DESIGNATING THE PROPERTY AT 215 STODDARD AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNERS: MICHAEL AND KAREN GUZMAN)

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on February 23, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 98-3, that the property at 215 Stoddard Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and use are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact.

4. The existing and proposed use are compatible with preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on March 24, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined

that the property at 215 Stoddard Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 215 Stoddard Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 215 Stoddard Avenue has architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

> Architectural significance as a well-maintained Craftsman-Bungalow single-family residence from the 1920's.

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 24th day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

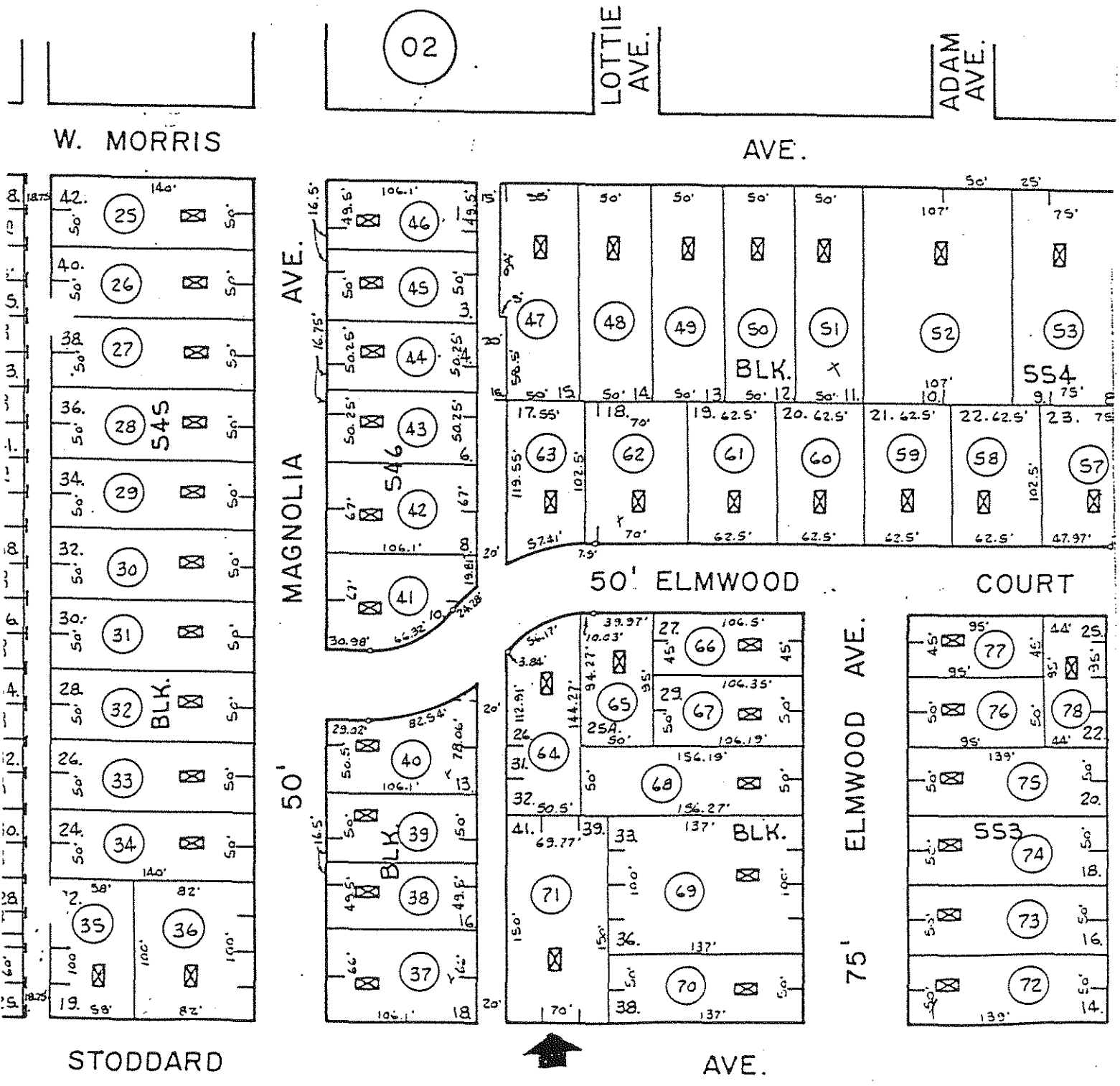
By
MICHAEL D. MILICH, City Attorney

110 – 03

Norman S. West Home
215 Stoddard Avenue
Michael J. and Karen Guzman,owners

Exhibit "A" - Legal description

Lots 39,40, and 41 in Block 553 of the CITY OF MODESTO, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records.



Clerk
5)

MODESTO CITY COUNCIL
RESOLUTION NO. 98-156

Print

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 8) AT 215 STODDARD AVENUE, LANDMARK SITE NO. 42, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: MICHAEL AND KAREN GUZMAN)

WHEREAS, Michael and Karen Guzman, owners of the property at 215 Stoddard Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on February 23, 1998, and

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes the authority for the Landmark Preservation Commission to recommend and the City Council to approve landmark preservation contracts after benefit of a public hearing, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the City to enter into historical property contracts (Mills Act Contract) with owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance, and

WHEREAS, a Mills Act Contract was submitted for 215 Stoddard Avenue, which met State law and garnered staff support, given a reasonable relationship of past and future estimates of improvement and maintenance to tax savings as a result of contract completion, and

WHEREAS, a public hearing was held by the Landmark Preservation Commission on February 23, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 8, by Resolution No. 98-4, the Landmark Preservation Commission recommended to the City Council approval of said contract for the property at 215 Stoddard Avenue, and

WHEREAS, after a public hearing held on March 24, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Historic Property Preservation Agreement for the property at 215 Stoddard Avenue, meets the requirements of Government Code Section 50280, et seq., and should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract No. 8) for the property at 215 Stoddard Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is hereby authorized to execute said agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Clerk
6

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-157

A RESOLUTION DESIGNATING THE PROPERTY AT 319 ELMWOOD AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNERS: THEODORE AND JOYCE AYRES)

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on February 23, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 98-5, that the property at 319 Elmwood Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and use are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact.

4. The existing and proposed use are compatible with preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on March 24, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined

that the property at 319 Elmwood Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 319 Elmwood Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 319 Elmwood Avenue has HISTORIC AND architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

> Historic and architectural significance as a well-maintained Craftsman-Bungalow single-family residence from the 1920's.

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 24th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

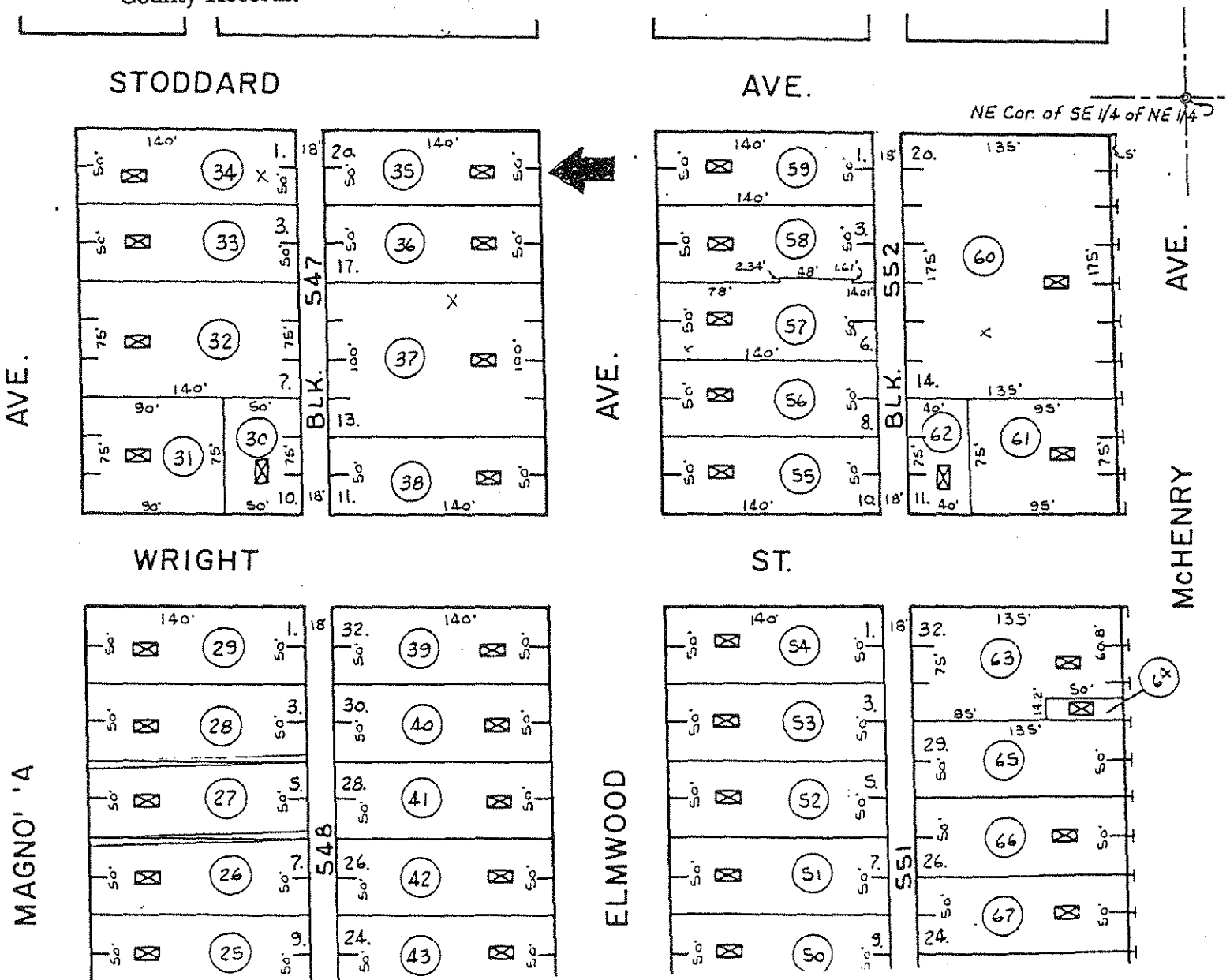
By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

R. G O'Connell Residence
319 Elmwood Avenue
Theodore and Joyce Ayres, Owners

LEGAL DESCRIPTION

County of Stanislaus, State of California, Lots 19 and 20 in Block 547 of the City of Modesto, as per map filed on December 21, 1943 in Volume 15 of Maps, Stanislaus County Records.



Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-158

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 9) AT 319 ELMWOOD AVENUE, LANDMARK SITE NO. 43, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: THEODORE AND JOYCE AYRES)

WHEREAS, Theododre and Joyce Ayres owners of the property at 319 Elmwood Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on February 23, 1998, and

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes the authority for the Landmark Preservation Commission to recommend and the City Council to approve landmark preservation contracts after benefit of a public hearing, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the City to enter into historical property contracts (Mills Act Contract) with owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance, and

WHEREAS, a Mills Act Contract was submitted for 319 Elmwood Avenue, which met State law and garnered staff support, given a reasonable relationship of past and future estimates of improvement and maintenance to tax savings as a result of contract completion, and

WHEREAS, a public hearing was held by the Landmark Preservation Commission on February 23, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 9, by Resolution No. 98-6, the Landmark Preservation Commission recommended to the City Council approval of said contract for the property at 319 Elmwood Avenue, and

WHEREAS, after a public hearing held on March 24, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Historic Property Preservation Agreement for the property at 319 Elmwood Avenue, meets the requirements of Government Code Section 50280, et seq., and should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract No. 9) for the property at 319 Elmwood Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is hereby authorized to execute said agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-159

Print

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL INC. FOR THE PROJECT TITLED "CARPENTER ROAD STORM DRAIN"

WHEREAS, the bids received for Carpenter Road Storm Drain were opened at 11:00 a.m. on March 10, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Ross F. Carroll Inc. in the amount of $997,399.50 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-160

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "ROCKWELL REPLACEMENT/ADDITION 97/98" AS COMPLETE

WHEREAS, a report has been filed by the Public Works & Transportation Director that the project titled Rockwell Replacement/Addition 97/98, has been completed by Ross f. Carroll Inc., in accordance with the contract agreement dated August 5, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Rockwell Replacement/Addition 97/98 be accepted from said contractor, Ross F. Carroll; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $446,273.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-161

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO INCLUDE THE SUPPLEMENTAL CDBG ALLOCATION FOR THE HUD DISASTER RELIEF PROGRAM

WHEREAS, the City applied for and was awarded a grant of $650,426 in CDBG funds for its Disaster Relief Program; and

WHEREAS, necessary transactions and accounts need to be established or amended in order to account for the allocation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
#113-140-1455-3513	$650,426
Appropriations	
#113-140-1455-0255	$ 14,000
#113-140-1455-0210	$636,426

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-162

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT ALLOWING THE CITY TO PUMP STORM WATER INTO THE MID LATERAL NO. 3

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District allowing the City to pump storm water into the MID Lateral No. 3 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-163

Print

A RESOLUTION APPROVING THE SUBMITTAL OF AN AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT APPLICATION FOR MODESTO CITY-COUNTY AIRPORT PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) entitlement funds to improve the Modesto City-County Airport, and

WHEREAS, in January, the City Council approved the submittal of an AIP grant preapplication in the amount of $2,100,250 for projects to be completed between now and 2001, and

WHEREAS, the preapplication identified the first two projects to be completed during the City's fiscal year (FY) 1999 for an estimated amount of $600,000, and the Federal Aviation Administration (FAA) notified the City that approximately $600,000 was allocated during FY 1998 for its projects, and

WHEREAS, the FAA has notified the City that it will consider an application for entitlement funds for airport projects beyond one year, and

WHEREAS, the City anticipates submitting an application and receiving FAA approval for a Passenger Facility Charge (PFC) program to fund the City match of approximately $233,750 for the requested grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the submittal of a Modesto City-County Airport AIP application for

FY's 1998 - 2001 in the amount of $2,100,250.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to sign the application on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-164

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

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

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

WHEREAS, the City Council has determined that further amendments to the "Policies and Procedures" are appropriate,

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

The "Policies and Procedures", as restated and amended in their entirety are set forth in Exhibit "A' attached hereto. Accordingly, Resolutions No. 96-501 and 96-545 are hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	Dobbs
ABSENT:	Councilmembers:	None.

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: R. Steven Beat
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO

POLICIES & PROCEDURES FOR THE FORMATION, ANNEXATION, AND ADMINISTRATION OF COMMUNITY FACILITIES DISTRICTS CREATED PURSUANT TO THE PROVISIONS OF THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

Exhibit "A"

EXHIBIT "A"

CITY OF MODESTO

POLICIES & PROCEDURES FOR THE FORMATION, ANNEXATION AND ADMINISTRATION OF COMMUNITY FACILITIES DISTRICTS CREATED PURSUANT TO THE PROVISIONS OF THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

1. Introduction.

The following policies and procedures ("Policies and Procedures") for the use of the Mello-Roos Community Facilities Act of 1982 (the "Act") are established pursuant to Government Code Section 53312.7. These Policies and Procedures describe the application, formation, annexation, appropriate uses for and administration of any Community Facilities District ("CFD") used to finance facilities or for the provision of allowable services.

The City of Modesto (the "City") will consider developer or property-owner initiated applications requesting the formation of a CFD, and the possible issuance of bonds or the generation of revenues to finance eligible public facilities necessary to serve residential, commercial and/or industrial projects. The City may also establish CFDs which are initiated by the City. Priority in using CFD funding will be given to capital projects that are regional in nature and have the broadest possible benefit to the land uses included in the CFD. While it is the City's intent to use the Act to provide for the financing of City-owned and operated infrastructure and services, projects of a regional nature may include facilities to be owned and operated by other public agencies. In any event, only regional or community serving public facilities which directly benefit the CFD, and the provision of services (if applicable) may be eligible for CFD funding.

The City shall make the final determination as to whether or not a proposed CFD shall proceed under the provisions of the Act. The City may confer with the applicant and its consultants to learn of any unique district requirements, such as regional-serving facilities or long term development phasing prior to making any such final determination.

The Act may be used for the purchase, construction, expansion, rehabilitation, or acquisition of public improvements, or the provision of public services subject to the provisions of these Policies and Procedures and any subsequent amendments thereto, to the fullest extent permitted by the Act. The City shall use the Act to provide for the financing of City-owned and operated infrastructure and services, except as noted above.

The City will make the final determination whether or not the CFD will be a construction or acquisition district. All City and consultant costs incurred in the evaluation of CFD

applications and the creation of CFDs must be paid in advance by the applicants in those instances where a CFD is initiated by a party or parties other than the City. However, the City may incur expenses for analyzing proposed districts where the City is the principal proponent of the CFD formation for financing of the CFD.

Expenses not legally reimbursable by the district shall be borne by the applicant. Both City costs and district consultant costs may be funded from bond proceeds.

For the purposes of reviewing activities undertaken pursuant to these Policies and Procedures, and to review proposed Mello-Roos financing, all relevant matters shall be referred to the Financial Policy Committee of the City Council.

2. Definitions.

a. Acquisition District. A CFD formed to finance the acquisition of infrastructure or public facilities where the applicant will be reimbursed for eligible construction related costs by means of tax credits or otherwise.

b. Amendment: A change, in any manner, to an adopted Public Report.

c. Annexation: The addition of real property into a CFD which has already been formed, and for which a Public Report has already been prepared and adopted. "Annexation" in this context does not mean a change in organization as described in the Cortese-Knox Act of 1985 (Section _____, Division 3 of the Government Code).

d. Applicant. Developer or landowner who initiates formation/annexation of a CFD.

e. Bonds. Bonds authorized and issued under the Mello-Roos Community Facilities Act of 1982.

f. Bond Counsel. Outside counsel retained by the City to assure compliance with applicable federal and State tax and other laws and regulations relating to public financing.

g. Bond Underwriter. The investment banker(s) retained by the City to design, develop and execute the sale of bonds in the market place.

h. City. The City of Modesto.

i. City Attorney. City Attorney of the City of Modesto.

j. Community Facilities District (CFD). A special district formed pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982 as amended, to finance specific public improvements or public services, and where properties within the CFD are levied a special tax in accordance with the rate and method of apportionment adopted as part of the district proceedings.

k. Conclusion of Formation: The date a tax lien, for a specific CFD, is successfully recorded by the Stanislaus County Clerk Recorder.

l. CFD Formation Group. An interdepartmental City working group consisting of the City Clerk, the Assistant City Attorney, and a designated member of the Community Development Department and such staff as they may designate. Its function shall be to process CFD applications and the formation of CFDs, including elections as appropriate.

m. District Administrator. A subgroup of the CFD Formation Group composed of the City Clerk and the Assistant City Attorney and such City staff as they may designate. The District Administrator shall have the power to retain and consult with an outside consultant experienced in administering established CFDs in order to assure such administration is in accordance with City ordinances, resolutions, these Policies and Procedures as amended, and applicable law.

n. Fair Market Value, or Value. The amount of cash or its equivalent which property would bring if exposed for sale on the open market under conditions in which neither buyer nor seller could take advantage of the exigencies of the other and both have knowledge of all of the uses and purposes to which the property is adapted and for which it is capable of being used and of the enforceable restrictions upon uses and purposes.

o. Financial Advisor. Financial consultant retained by the City to review, comment and advise on financial matters relating to CFDs.

p. Fiscal Feasibility Report. A study performed under the direction of the City to determine the financial viability of a proposed CFD.

q. Infrastructure and Public Facilities. Those public improvements including but not limited to major streets and arterials, highway improvements and freeways, freeway interchanges, right of way acquisitions, bridges, street lights, water, flood, sewer and drainage improvements, fire and police stations, parks, wetlands, telephone ducts, electrical conduits, libraries, transit improvements (including public parking facilities), and the provision of certain services (if applicable), that may be eligible for financing pursuant to these Policies and Procedures, and

which are authorized improvements pursuant to provisions of the Mello-Roos Community Facilities Act of 1982 ("Act").

r. In-tract Facilities. Infrastructure and public facilities which serve an individual CFD, such as local subdivision streets, local utilities and local drainage systems. Not all such infrastructure and public facilities may actually be located within the boundaries of the CFD. (Possible example: drainage system).

s. Public Report: A report generally containing the following:

(1) A description of the public capital facilities and services proposed for the CFD.

(2) A general description of the area to be served by said facilities; said areas being the boundaries of the CFD.

(3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the CFD and the costs of any incidental expenses to be paid by the CFD.

(4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed CFD to estimate the annual amount of payment;

(5) General Terms and conditions relating to the proceedings.

t. Special Tax Consultant. A consultant retained by the City to develop the rate and method of apportionment and other special tax formulas and criteria for a Mello-Roos CFD.

u. Value-to-Lien Ratio. The value of a parcel of land as determined by an MAI appraisal relative to the amount for which land secured bonds may be sold for the parcel.

3. Application Process.

a. Application. The applicant shall submit an application in the form attached hereto as Example "A" to the City together with a nonrefundable fee as set forth herein and amended from time to time. The fee is for the purpose of application processing, other preliminary costs, retention of appropriate consultants, and the compensation of staff time devoted to the formation of the CFD.

b. Project Review. Applicant and the CFD Formation Group may discuss the application including but not limited to further information that might be required and other issues as necessary. If necessary, the applicant may be required to submit a revised application. Once the application is accepted by the CFD Formation Group, it may be reviewed by City Finance personnel or City consultants to determine the adequacy of the proposed financing. CFD Formation Group may also forward the application to the City's engineering staff for determination that the application package is in fact both complete and practicable.

c. Project Initiation. The application is accepted by the CFD Formation Group and the CFD Formation Group receives contracts, reimbursement agreements, bond documents and other pertinent items for consideration by the City Council, as required.

d. Costs Incurred By The City Prior To Formation. All costs incurred by the City prior to formation of the CFD, including but not limited to consultant costs (e.g. legal counsel, engineer firms, appraisers, special tax consultants, financial advisors), City staff and administrative costs and related expenses, cost of providing notices, printing and publication costs, and all expenses directly or indirectly relating to these items, shall be reimbursed to the City by the applicant prior to the completion of formation

e. Costs Incurred Prior To Bond Closing. If a CFD is formed, and if bonds are issued, the City may direct that all of its costs of formation be reimbursed from bond proceeds.

f. Costs Incurred By The City Subsequent To Formation. All City administrative and consultant costs, including those of the District Administrator, related to administration of a CFD and incurred after formation shall be included within the special tax formula in accordance with applicable provisions of law.

g. Reimbursement To Applicant.

(1) Where CFD is not formed, or where CFD is formed and bonds are not issued. In the event that the CFD is not formed due to City disapproval or abandonment, or due to applicant abandonment, or due to nonpayment of any reimbursable fee, or the CFD is formed and bonds are not issued for any reason, the City will refund to the applicant any remaining unexpended and unobligated portion of advance deposits posted with the City, subject to the City's prior and full reimbursement of all of its direct and indirect costs. In the event that the applicant's advance deposit to the City is not sufficient to reimburse the City for all of its direct and indirect costs, the City will require an additional deposit by the applicant for the difference. The City shall be entitled to pay any refund to the applicant listed on the application form without interest, irrespective of any changes in the ownership or compensation of the applicant.

(2) Where CFD is formed and bonds are issued. If the CFD is formed and bond are issued, the applicant shall be entitled to reimbursement from bond proceeds for all

reasonable costs and expenses incident to the proceedings in construction of the public facilities, subject to approval of the City Attorney in conjunction with Bond Counsel, and subject to any applicable restrictions contained in the Act as amended. With respect to applicant paid consultant costs, reimbursement shall be limited to those CFD-related consultant's hired by the City or those hired by the applicant and expressly approved by the City in writing. Eligibility for reimbursement of any otherwise-eligible expense is conditioned upon the applicant providing paid invoices therefor to the City, and the CFD Formation Group's approval thereof. The applicant shall not be entitled to reimbursement from bond proceeds for any of the following reasons: interest expense incurred by the applicant during the planning or design of construction (subject to exception for construction-related interest expense, set forth below) of the public improvements and any other costs and expenses incurred by the applicant which are not legally authorized for reimbursement, or as to which Bond Counsel has declined approval for reimbursement.

h. Agreements Required. Applicant will be required to enter into all necessary agreements incident to CFD proceedings in a form provided by the City and consistent with these Policies and Procedures. These agreements may include, but not be limited to:

(1) Funding and Reimbursement Agreement
(2) Advance Deposit Agreement
(3) Land Dedication Agreement (where required)
(4) Acquisition and Disclosure Agreement
(5) Disposition and Development Agreement (where required)
(6) Development Agreement
(7) Other agreements (as required)

As a condition of the issuance and sale of bonds, all of the agreements required by the City shall be duly approved and executed by the parties thereto. Prior to execution of any such agreements, the agreements shall be reviewed and approved by the City Attorney. They may also be reviewed by Bond Counsel and such other consultants as the City believes are appropriate.

i. Land Use Approvals. All projects within the proposed CFD, together with the infrastructure and public facilities, must be consistent with the City's adopted General Plan and zoning classifications. All property within the proposed CFD must posses land use determinations or zoning classifications of sufficient certainty, and facility requirements of sufficient speciality that each parcel can be adequately assessed.

j. Use of Consultants. The City shall employ any consultants necessary for the formation of a CFD, review of financing, the issuance and administration of bonds, including but not limited to underwriters and underwriter's counsel, Bond Counsel, Financial Advisor, special tax consultant, engineers, appraisers, market absorption study consultant, or any other

consultant deemed necessary by the CFD Formation Group in its judgment to complete the CFD proceedings and/or for issuance of bonds. The cost reimbursement provisions of these Policies and Procedures shall apply to all costs and expenses incurred by the CFD Formation Group in employing such consultants. An applicant may retain its own consultants for its own benefit, but must work only through those consultants hired by the City. In the event the applicant retains its own consultants, all costs associated therewith shall be borne by the applicant, without reimbursement from bond proceeds unless expressly agreed in writing by the CFD Formation Group.

k. Eligible Infrastructure and Public Facilities. Infrastructure and public facilities eligible for CFD financing are those public improvements which benefit properties within a proposed CFD and/or will mitigate impacts of that development upon areas of the City outside the proposed CFD, and which will be owned, operated and maintained by the City or another public agency expressly approved in writing by the City. Improvements which are or will be owned, operated or maintained by a private company or utility are not eligible, except for improvements to be owned by shareholder owned utility companies regulated by the California Public Utilities Commission and which comprise less than five (5%) percent of the project. In-tract facilities, exactions, or other public right of way easements and/or lands which are dedicated by applicant as a condition of a development entitlement will not be eligible for bond financing, except if they are expressly allowed in a development agreement or other agreement between the City and the applicant.

l. Designation of Spokesperson. The applicant(s) owners requesting preparation of a petition for formation of a CFD, if more than one, shall designate a spokesperson for all of them. The applicants' spokesperson shall be responsible for the following.

(1) Advising joint applicants to contact him or her for answers to their questions concerning CFD matters.

(2) Contacting appropriate City representatives to obtain answers to such questions as he or she is unable to answer. The appropriate City representatives are the members of the CFD Formation Group.

(3) Informing joint applicants that any estimated cost figures supplied to them prior to the estimate contained in the public report, as preliminarily approved by the CFD Formation Group, must not be relied upon as necessarily precise.

m. Additional Advances. It is the policy of the City that applicants with properties improved through CFD proceedings pay all City and associated costs of such proceedings and other costs incurred in advance of CFD formation, or, in the case of the sale of bonds, before any bonds are sold. Therefore, with respect to all developer-initiated applications, if actual City costs

exceed the amounts estimated below, the applicant will be required to advance additional monies to pay all costs incurred or to be incurred. Any failure to do so within ten (10) days of provision of written demand by the CFD Formation Group will be grounds for immediate termination of all activities by the CFD Formation Group, and by the consultants, if any, retained by the CFD Formation Group for the purpose of bond financing.

n. Boundary Map. A boundary map for each proposed CFD must be provided with the application. The boundary map should be provided in the following formats:

"18" x 26" Mylar and three blue lined copies
"8 ½ x 11" paper

Assessor's parcels maps may be compiled on which the project boundary and other required information are shown. The map must identify all Assessor's parcels within the project boundary and the boundary of the area being annexed must following existing parcel lines. The map must be certified by a licensed civil engineer. The CFD number to be included in the map title and page numbers may be obtained from the CFD Formation Group.

o. Registered Voter/Property Owner Certification. Any CFD election will be voted upon by property owners (one vote per acre) so long as there are fewer than twelve (12) registered voters residing within the proposed CFD area. The CFD Formation Group will not process registered voter elections absent special arrangements with the CFD proponent. Each of the property owners must designate a single proxy to case their ballot. The civil engineer for the CFD applicant must verify the number of registered voters within the project and list all property owners showing APN and number of acres. The civil engineer must then file a certification suitable to the CFD Formation Group as part of the application package. This certification must be made within ninety (90) days prior to the hearing on the resolution of formation for the CFD.

p. Waiver and Consent. The qualified electors (property owners) must file a waiver and consent document suitable to the CFD Formation Group waiving some of the statutory election requirements, particularly the time lines. With this waiver, the election may take place sooner than otherwise.

q. Fiscal Feasibility Report. Prior to the formation of a CFD, a fiscal feasibility report may be required if a portion of the land within a CFD is substantially undeveloped. The report shall be prepared by or at the direction of the CFD Formation Group. All costs for preparing this report shall be borne by the applicant.

r. Special Taxes and Assessments. The projected special tax, when added to the ad valorem property tax and other direct and overlapping debt for the proposed CFD (including other benefit assessments, special taxes levied for authorized but unissued debt, and any other anticipated special assessments, taxes or charges which may be included on a property owner's

annual property tax bill), shall not exceed two (2%) percent of the projected assessed value of each improved parcel within the CFD. A backup special tax may be required to protect against changes in land use that may result in insufficient annual special tax revenues.

s. Special Tax Formula. The maximum special tax submitted to the qualified voters of the CFD shall not exceed one (1%) percent of the projected assessed value of the developed properties at the time of full build out of CFD formation. Furthermore, the total of the following shall not exceed two (2%) percent of the projected assessed value of the subject properties:

(1) Ad valorem property taxes levied by the City.

(2) Voter approved ad valorem taxes levied by the City in excess of one (1%) percent of the assessed value.

(3) Special taxes levied by any existing CFD for the payment of bonded indebtedness or ongoing services.

(4) Assessments levied for any assessment district or maintenance district for the payment of bonded indebtedness or services.

(5) The maximum special tax for the proposed CFD.

The maximum special tax formula shall adhere to the following requirements:

(1) The maximum special tax shall be established when a developed parcel is first subject to the tax and shall include the annual administrative costs to the City to administer the CFD.

(2) Concerning that portion of the tax restricted to generating funds for maintenance of facilities, the special tax formula shall not include escalator rates allowing annual tax increases above four (4%) percent per year for developed parcels.

(3) The City shall have discretion to allow a special tax in excess of the two (2%) percent maximum tax burden limits for any commercial or industrial lands within the CFD.

(4) Concerning that proportion of the tax restricted to generate funds for the payment of debt service, the special tax formula shall not include escalator rates allowing annual tax increases above two (2%) percent.

t. CEQA Compliance. The CFD Formation Group shall be responsible for compliance with the California Environmental Quality Act with respect to each CFD formation analyzed or completed by it.

u. Based on substantial evidence presented to the City Council, it is determined that advance deposits in the following sums must be received in all cases, whether reimbursable or not, prior to an applicant's application for a CFD being deemed complete by the CFD Formation Group.

(1) A CFD is to be created at applicant's request and where bonds are issued - $43,500.00.

(2) A CFD is to be created at applicant's request and where bonds are not to be issued - $30,000.00. Notwithstanding any other rule to the contrary, in this sole case, additional staff time and material costs, which are presently anticipated to be no less than $13,500.00, will be required from applicant prior to issuance of the first building permit in the applicant's portion of the CFD. Such reimbursable costs shall not be subject to any "credit" due to "in-kind" CFD work done by applicant.

(3) In the case of the creation of an annexation to an existing CFD, which does not require the preparation of a new public report, or the alteration of an existing Public Report for the existing CFD, and the annexation does not involve the sale of bonds - $20,500.00.

(4) In the event that a "registered" voter election is required, an additional amount over and above the previously mentioned fees may be incurred. The City Clerk will estimate the minimum time and material costs pertaining to such an election based on the facts known at the time the election becomes necessary, and payment of the estimated sum shall be required prior to initiation of such an election.

(5) In the event that a "registered voter" election is both required and results in the nonformation/nonannexation of the subject CFD, the above-referenced fees and costs will not be refundable to the applicant save and except those amounts advanced by the applicant which are in excess of those obligated for the CFD Formation Group formation/annexation costs, consulting fees and other related expenses.

v. Resolution of Intention. When a CFD application and all related documents have been completed, the appropriate fee has been paid, and the CFD Formation Group has agreed to place the matter of the formation/annexation of the pertinent CFD before the City

Council, the vehicle for such placement shall be the "Resolution of Intention" as required by the Act. The City Council vote on the Resolution of Intention shall also be the City's final determination on the application. If the Resolution of Intention is approved, the CFD Formation Group will undertake the necessary steps to complete formation/annexation of the CFD, including, but not limited to, completion of appropriate contracts, legal documentation, bond documents, project schedule, and other pertinent items.

w. Fiscal Year Planning. In the event that the fiscal year in which a CFD is commenced ends during the formation of the CFD, the Finance Department of the City shall carry forward any unused CFD funds to the next fiscal year in order to facilitate a smoothly continuous CFD formation/annexation process, and to permit prompt payment of ongoing expenditures.

x. Fiscal Authority. The CFD Formation Group has the inherent authority to receive and to appropriate CFD revenue and to direct the Finance Department of the City of Modesto to establish a new fund for each new CFD formation/annexation.

4. Terms and Conditions of Bonds.

a. All terms and conditions of bonds shall be established by the City. The City will control, manage and invest all CFD issued bond proceeds. Unless otherwise authorized by the City, the following shall serve as bond requirements:

(1) A debt service reserve fund equal to an amount not less than ten (10%) percent of the bond issue's par value, subject to federal tax regulations will be established.

(2) The special taxes shall be levied for the first fiscal year following sale of the bonds for which they may be levied. Unless otherwise agreed to by the City, interest shall not be funded (capitalized) beyond the earliest interest payment date for which sufficient special tax revenues will be available for payment of interest.

(3) Beginning with the commencement of the repayment of principal, annual debt service may be level or may escalate up to a maximum of two (2%) percent per year.

(4) The maximum special tax shall be established to assure that the annual revenue produced by levy of the maximum special tax shall be equal to at least one hundred ten (110%) percent of the average annual debt service.

(5) Prior to the issuance of bonds, the City shall authorize its Bond Counsel to

commence and process to final judgment an action establishing the validity of the proceedings, special tax and issuance of bonds, unless advised to the contrary by such Bond Counsel.

(6) In instances where multiple series of bonds are to be issued, the City shall make a final determination as to which public facilities are of the highest priority and those public facilities which will be financed first, pursuant to funding availability and the proposed timing of facilities development, and will be subject to the earliest or most senior lien except, when concerning land-secured financings if the City and applicant agree separately.

(7) The City may require that each new CFD bond issue refund any prior issues, if they exist on properties included in the CFD, in order to avoid subordinated liens. Instances where prior issues may not require refunding are:

(a) Where refunding of prior issues will result in higher interest costs;

(b) Where there can be assurance that prior liens may pose no marketing problems for the new CFD bonds; or

(c) Where refunding of prior issues may present future administrative difficulties to the City or other affected public entities.

b. Security and Credit Enhancement.

(1) Financial Plan. Prior to City Council approval of the CFD, the applicant must submit a financial plan which demonstrates to the City's satisfaction the applicant's ability to pay all assessments and/or special taxes through build out of the project.

(2) Credit Enhancement. In general, where credit enhancement is required for the bond issue as a whole, in the opinion of the City, the applicant shall provide such enhancement in such form as is approved by the City and the underwriters. Such enhancement may, for example, be required in cases where the value-to-lien ratio for property within the CFD is sufficient, and may take the form of letter of credit, policies of insurance, or other vehicles.

(3) Letter of Credit Requirements. In general, the following requirements apply to letters of credit.

(a) The term shall be at least one (1) year, with automatic renewal unless canceled in writing by City.

(b) The amount the applicant is required to post shall be determined by the City.

(c) The letter of credit must be posted with the City in final form, properly authorized and executed, prior to Council authorization to issue bonds for the CFD. Irrevocable credit commitments, commitment letters, in-lieu letter of credit guarantee forms, or other similar instruments, will not be accepted.

(d) The letter of credit shall be irrevocable, and issued for the benefit of the City.

(e) The issuer of any Letter of Credit or other credit enhancement shall be a bank legally operating within the State of California, and which has a Thompson Bank Watch rating of "C" or higher, or an equivalent rating by any other nationally recognized financial institution rating agency, and whose letters of credit are deemed marketable by the City for public financing purposes.

(f) The City reserves the right to consider other forms of credit enhancement or bond guarantee which are determined by the City, in its sole discretion, to be a lawful and adequate substitute for a letter of credit.

c. Value-to-Lien Ratios.

(1) If the value-to-lien ratio is 3:1 or greater for the entire CFD and if there is a value-to-lien ratio of 3:1 on at least ninety (90%) percent of vacant land in the CFD, the City may not require letters of credit or other security to secure payment of the special taxes to be levied annually on properties within the CFD.

(2) If the value-to-lien ratio is less than 3:1 for the CFD as a whole or on at least ninety (90%) percent of vacant land in the CFD, the City may require either letters of credit or other security (assigned deposits, deposits to escrow) to secure payment of the special taxes/special assessments on properties within the CFD or may elect to abandon the CFD.

d. Market Absorption Study. The City in its discretion may require and may

employ a consultant for the purpose of conducting a market absorption study. The study, if required, shall include and estimate the total number of units, land uses and rate of absorption, and will be used as a basis for verification that sufficient revenues can be generated, and to determine if the financing of the infrastructure and public facilities is appropriate given the projected level and pace of development.

e. Disclosure Requirements. The applicant shall be responsible for compliance with all applicable federal and state statutory disclosure requirements, as well as any additional City requirements, in transactions with purchasers of properties with the CFD.

f. Continuing Disclosure. The developer will comply with federal and State securities laws and SEC Rule 15c 2-12 requirements concerning secondary market disclosure as those requirements are interpreted by the City and its counsel.

g. Refunding. The City will analyze outstanding bond issues for refunding opportunities. In addition, the City will accept refunding proposals from underwriting firms and financial advisors which the City will then analyze and verify. The City will refund outstanding bond issues if:

(1) The refunding will generate at least five (5%) percent net present value savings; or

(2) There is another reason the City determines is compelling enough to complete a refunding (e.g. for the purpose of changing onerous legal requirements in a previous bond indenture or resolution).

h. Credit Quality to be Required of Bond Issues.

(1) Debt Service. Except for commercial or industrial property financings with no residential components, debt service shall be substantially level throughout the life of the bond issue. Phased bond issuance shall not result in increased debt service to existing residential homeowners. Unless determined to be specifically required, debt service shall not exceed twenty-five (25 years) from the date of bond issuance.

(2) Bond Redemptions. Maximum redemption premiums shall not exceed three percent (3%). Call protection provisions shall not exceed ten (10) years and no provision shall be made to restrict the ability of the City to refund any bond issue. Consideration shall be given to allowing redemption of bonds at par (without premium) with surplus construction funds, or from the prepayment of the special tax. Provision shall be made to allow the City to purchase bonds on the open market at par plus accrued interest, in lieu of redemption of bonds.

(3) Reserve Funds. A reserve fund shall be required (unless specifically exempted for cause) for every land-secured financing. The City will consider the substitution of other security, such as a letter of credit, for monies in the reserve fund. The reserve fund will be sized by the City with the advice of the financing team, and, for tax-exempt financings, will not exceed the maximum prescribed by applicable federal tax law. Reserve fund earnings beyond maximum reserve fund size should be used to credit debt service and may be used to pay applicable rebate obligations under federal tax law. (The City may also determine to permit such reserve fund earnings to be transferred to the construction fund until the project is completed.)

(4) Capitalized Interest. The City, with the advice of the financing team, will determine, on a case by case basis, the amount of capitalized interest for a particular financing. The amount of such interest will be determined based on factors such as the length of the construction period, the earliest date upon which tax roll collection may commence and the amount such interest will add to the total amount of the financing, taking into account the restrictions on value to lien expressed herein, the ability of the owner(s) to defray the debt service, and applicable provisions of the Act.

(5) Foreclosure Covenants. Every land-secured financing bond issuance document shall provide for the judicial foreclosure of delinquent payments of assessments or special taxes. Such covenants may vary with the particular financings, but shall at the minimum generally provide for the institution of foreclosure not more than 150 days from April 10 of a calendar year and shall authorize the City Attorney or delegate thereof to commence foreclosure without further Council action upon notification of a delinquency. Provision may be made to allow deferral of foreclosure in the event the City advances funds to the reserve fund to maintain any specific reserve requirement.

(6) Discounts. In competitive bond sales, the amount of discount shall be determined by the City with the advice of its financial advisor. In negotiated sales, it shall be the burden on the underwriter to justify its discount as competitive and such justification must take into account any other compensation being paid to the underwriter. Original issue discount will be allowed if it results in a lower true interest cost and will not adversely affect the ability to construct the public improvements.

i. Information to Property Owners.

(1) Prospective Purchasers. The Director of Finance shall be responsible for

providing notice of special tax to prospective property owners pursuant to Section 53340.2 of the Act and, upon request of an applicant, or its agent or representative, information in order for such applicant, agent or representative to comply with Section 53341.5 of the Act.

(2) Existing Lenders. The City may require the consent of the existing deed of trust holders in any CFD to be formed by landowner (rather than registered voter) approval.

j. Criteria for Evaluating the Equity of the Special Tax Formula.

The proposed rate and method of apportionment shall comply with the following criteria:

(1) The rate and method of apportionment generally shall not provide for an annual increase in the maximum special tax for any classification. However, under limited circumstances an increase in the maximum special tax will be permitted, not to exceed two percent (2%) annually. As a general rule, escalation of the maximum annual special tax will be allowed when bonds are to be sold in several series over an extended period of time.

(2) The total projected annual special tax revenues, less estimated annual administrative expenses, must exceed the projected annual gross debt service on the bonds by ten percent (10%). In structuring the special tax, projected annual interest earnings at current passbook savings rates on bond reserve funds may also be included as revenue for the purpose of this calculation. Reserve fund interest earnings credit in excess of the foregoing will only be permitted if an investment agreement, satisfactory to the City, is secured at the time any bonds are sold and delivered.

(3) The projected annual tax revenues shall include reasonable annual administrative expenses and other direct costs to the CFD.

(4) All property not otherwise statutorily exempted or owned (or to be owned) by a public entity shall bear its appropriate share of the special tax liability.

(5) The special tax shall be allocated and apportioned on the basis of reasonableness to all categories and classes of property receiving general or specific benefit within the CFD.

(6) A formula to prepay the special tax shall be considered.

(7) The projected ad valorem property tax and other direct and overlapping debt for the proposed CFD (including estimated CFD charges, projected benefit assessments, levies for authorized but unissued debt and any other anticipated municipal charges which may be included on a property owner's annual tax bill), including the proposed maximum special tax, should not exceed two percent (2%) of the anticipated assessed value of each improved parcel upon completion of the public and private improvements. Any deviations from the foregoing will not be permitted unless specifically recommended by the CFD Formation Group and approved by the City Council.

(8) The special tax formula shall be structured to produce sufficient annual special tax revenue to pay annual debt service, administrative expenses, and "pay as you go" programs funded by the CFD special tax. To the extent a special tax is to be levied to pay for services, it should be separate from the special tax to pay for facilities.

(9) The special tax formula shall be such that once the total special tax need is known, and the status of all properties within the CFD relative to that formula are known, the special tax on each parcel is determined purely by the application of the formula without the exercise of discretion on the part of any person.

k. Criteria for the Sale of Bonds.

In order to ensure the long-term security of any bonds sold as the result of the formation of a CFD, the following policies shall be followed:

(1) The ratio of the appraised value of the land to the value of the proposed bond issue, and any other overlapping debt, shall not be lower than 3-to-1 unless authorized by the City Council with specific findings in accordance with the Act.

(2) Market absorption studies may be required at the City's discretion to determine if the financing of the infrastructure and public facilities is appropriate given the projected level and pace of development. The study may also be required by the appraiser for use in the appraisal process. The City will employ any market-absorption consultant.

(3) All terms and conditions for the sale of bonds shall be established by the City.

l. Continuing Disclosure.

By being allowed to participate for a Mello-Roos proceeding, each owner of land therein must be willing to provide information deemed by the City and its financing team to be needed in order for the City and the underwriter to comply with applicable Federal and State securities laws, including continuing disclosure requirements imposed by S.E.C. Rule 15c 2-12.

m. The Appraisal Process.

Appraisals undertaken to establish value-to-lien ratios for land-secured financings can be complex, requiring the appraiser to interpret the significance of various financial and demographic data. Because an appraisal essentially is an appraiser's *opinion* of value, the City requires that the appraiser be qualified to render this opinion.

(1) Credentials. The appraiser will be credentialed by the State of California Office of Real Estate Appraisers and be a member of the Appraisal Institute (MAI) or have similar training, experience and qualifications.

(2) Independence. The appraiser will be an independent contractor retained by the public agency, rather than a land owner/developer.

n. The Appraisal Problem.

The appraiser will begin each assignment by defining the *appraisal problem* - that is, succinctly stating the objective of the appraisal. The statement of the appraisal problem will identify (1) the property rights to be valued, (2) the operative definition of value, and (3) the date of the value estimate.

(1) Property Rights to be Valued. Appraisals undertaken to establish value-to-lien ratios in CFDs and assessment districts will value the fee simple estate within the established district and subject to the special tax or assessment lien.

(2) Definition of Value. Appraisal undertaken to establish value-to-lien ratios in CFDs and assessment districts will estimate the market value of the subject property. The market value estimate will be the bulk sale value for all vacant properties - both unimproved properties and improved or partially improved but unoccupied properties. The bulk land value will include the property within the district as it is currently entitled with all appropriate zoning and in its current state of development, the value of the improvements to be financed with the proposed bond issue, if any, and the value of other improvements to be financed with any other cash escrow or security whose cash value is entirely controlled by the City. Paragraph O, which follows, provides those valuation methods the City will allow an

appraiser to use to estimate the bulk sale value.

(3) Date of the Value Estimate. The date of the value estimate should clearly be identified in the appraisal report. The period between the date of the appraisal and the financing should be no more than four months, to accurately represent land values to prospective investors.

o. Valuation Methods. The first three valuation methods discussed below - the Sales Comparison Approach to Value, the Cost Approach to Value, and the Income Capitalization Approach to Value - form the core of modern real estate appraisal practices. These valuation methods are appropriate for conventional appraisal assignments involving improved real property, but are less well-suited to the valuation of unimproved land. Appraisals of unimproved CFDs and assessment districts will additionally employ a Discounted Cash Flow (DCF) analysis based upon the bulk land value of the property appraised, the fourth valuation method discussed in this section. This section concludes with a brief discussion of Mass Appraisal techniques and an assessed value approach alternative. An appraisal may include more than one appraisal method, depending on the status of the project.

(1) Sales Comparison Approach to Value. The Sales Comparison Approach to Value offers the best indication of the market value of the subject property, because it is based on actual sales data. This methodology is appropriate for most improved properties, but the absence of comparable sales data usually constrains its application to appraisals of unimproved CFDs and assessment districts. The Sales Comparison approach, however, provides the analytical basis for estimating a future retail value of presently unimproved properties which may be incorporated into a Discounted Cash Flow analysis.

(2) Cost Approach to Value. The Cost Approach to Value is not appropriate for appraisals undertaken to establish value-to-lien ratios in CFDs and assessment districts. Cost does not create value. The Cost Approach may be useful, however, for adjusting for physical differences between properties under the Sales Comparison Approach. Sales Comparison appraisals can be adjusted to reflect infrastructure differences between different projects.

(3) Income Capitalization Approach to Value. The Income Capitalization Approach to Value is appropriate for retail value calculations of income-producing properties. It also may be appropriate for estimating the future retail values of income-producing properties for use in a Discounted Cash Flow analysis.

(4) Discounted Cash Flow Analysis. Discounted Cash Flow Analysis is appropriate for bulk sale valuations of unimproved properties and improved or partially improved but unoccupied properties. Discounted Cash Flow valuations should rely on an absorption study to estimate how quickly properties can be developed and sold or leased to end users. The expense of converting raw land to finished product or improved lots must be deducted from gross cash flow to derive net cash flow prior to discounting. The value of the public facilities to be financed with the contemplated bond financing will be included in the appraisal. The discount rate should reflect the rates of return needed to attract debt and equity participation in the project.

(5) Mass Appraisal Techniques. When an entire tract or project has been built and fully absorbed, the appraiser may employ mass appraisal techniques, utilizing conservative per dwelling unit estimates.

(6) Assessed Value. If, based upon assessed value, the value-to-lien ratio of the project and ninety (90%) percent of the undeveloped parcels is greater than 3:1, then a separate appraisal may not be required. If the assessed value of ninety (90%) percent of the undeveloped parcels is not greater than three times the amount of the lien then the City can require an appraisal to be completed on the undeveloped portion of the project while it uses the assessed value for the developed portion.

p. Contents of Appraisal. The appropriate format and level of appraisal documentation can vary according to its complexity. A detailed appraisal will reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Standards of Professional Appraisal Practice. Appraisal methodology and presentation of the results of the appraisal shall be presented in writing in either form report or narrative report, as required, by the CFD Formation Group.

Appraisals should conform to the following specific criteria:

(1) Appraisals must be selected from a "pre-qualified" list of appraisers determined by the City.

(2) Appraisals must be in writing, using either a "form report" (Uniform Commercial and Industrial Appraisal Report - Existing Property) or a "narrative report".

(3) Each appraisal shall clearly state the purpose of the report; a definition of the estate being appraised (i.e. fee, leasehold, etc.); and a description of the

limiting conditions and assumptions underlying the appraisal.

(4) Valuation dates shall be as determined by the City, but in no event earlier than 120 days prior to the sale of the bonds. To the extent practical, valuation dates on all properties shall be synchronized to a specific date, such as "October 1, 1999."

(5) A physical description of the property being appraised, along with a discussion of its "highest and best use," land use regulations, present use and location.

(6) An opinion of value which specifically considers the value of the property (including individual parcels) with the completed public facilities (bond proceeds and other financial guarantees).

(7) A certificate of the appraiser stating the absence of any direct or indirect interests in the property, along with a brief description of the appraiser's qualifications.

(8) Improvement description (to the extent information is practically available).

(a) Land parcels which have been developed and subsequently sold should at a minimum indicate land parcel size, number of lots, density, number of plans, square footage, year construction was initiated, year of completion, and when sales were initiated.

(b) Land parcels with product under construction or with standing inventory, should be described as in (5) above and include a summary of the stage of development including: number of residential units or buildings completed, number of buildings, status of buildings under construction, finished lots and mass-graded or raw lots. In addition, a comment on the marketability of the building (architecture, size, etc.) is appropriate.

(c) Land parcels which have been developed with income-producing (or owner-occupied) commercial, industrial, offices, etc., should be described as follows:

(i) Commercial Retail. Land parcel size; basic construction type; typical tenant improvements (and who is responsible for their construction); leasable area, when construction

was initiated; and date of completion.

(ii) Industrial. Land parcel size; basic construction type, whether single or multi-tenant typical office build-out as percentage of total area, when construction was initiated; and date of completion.

(iii) Office. Land parcel size; basic construction type; typical tenant improvements/allowance; net rentable area, when construction was initiated; and date of completion.

(iv) Residential. Land parcel size; basic construction type; whether single or multi-family; when construction was initiated; and date of completion.

5. District Administrator.

Upon completion of the formation of or annexation to a CFD, the District Administrator shall oversee all post-formation/post-annexation administrative duties. Examples of said duties include but are not limited to the following:

a. Establish through the Finance Department of the City of Modesto the financing mechanism to receive, dispense and administer all monies received post-formation/post-annexation.

b. Establish and administer a reserve fund.

c. File all appropriate notices.

d. Take any and all actions necessary for prudent administration of all post-formation/post-annexation CFDs, including but not limited to the expenditure or allocation of District funds, in strict accordance with Section 53343 of the Mello-Roos Act of 1982 as it may be amended, so that any such funds shall only be allocated or expended for facilities and services authorized by the Act.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-165

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CITY OF LATHROP FOR THE USE OF THE CITY OF MODESTO'S PROPERTY AGENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the City of Lathrop for use of the City of Modesto's Property Agent be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-166

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $70,000 TO FULLY FUND THE PROJECT TITLED "SANITARY SEWER SUBTRUNK AND SEWER LIFT STATION NORTH BEYER PARK NEIGHBORHOOD"

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 621 480 H016; $70,000

TO: 621 480 H818; $70,000

Completion of the project is needed to allow the removal of the temporary pumping and to assure a permanent and reliable sewer system for the homes already occupied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-167

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $34,000 FROM THE GENERAL FUND CONTINGENCY RESERVE TO ACCOUNT #010-370-3715-1060

WHEREAS, the current allocation for the Youth/Senior Financial Assistance Program is $50,00, which is not enough to provide for program use for the upcoming summer class registration or for sports organizations with spring registration; and

WHEREAS, $34,000 additional funds will be needed through the end of this fiscal year; and

WHEREAS, this action amends the Accountability Budgeting System (ABS) target for Community Services & Neighborhood Connections Department by $34,000 for Fiscal Year 1998-99; and authorizing allocation of $7,500 for disabled persons.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expense:	
#010-800-8000-8003	$(34,000)
#010-370-3715-1060	$ 34,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

16

MODESTO CITY COUNCIL
RESOLUTION NO. 98-168

Print

A RESOLUTION AMENDING THE YOUTH/SENIOR FINANCIAL ASSISTANCE PROGRAM ELIGIBILITY GUIDELINES TO INCLUDE DISABLED ADULTS.

WHEREAS, the Youth/Senior Financial Assistance Program was implemented in Fiscal Year 1993-94, for the purpose of providing a ninety (90) percent subsidy to low income, qualifying youth and seniors, through the issuance of "leisure bucks" cards, and

WHEREAS, by Resolution No. 97-171 adopted by the Council on April 1, 1997, the Council approved a revision to the Youth/Senior Financial Assistance Program qualifying criteria for the Low Income Facility Usage Fee for groups using the Modesto Centre Plaza, and

WHEREAS, the Youth/Senior Financial Assistance Program currently includes disabled youth and seniors 18 years of age or under, and 62 years of age or older, and

WHEREAS, City Staff is recommending that the Youth/Senior Financial Assistance Program's eligibility guidelines be expanded to include disabled adults between the ages of 18 and 61 and that proof of SSI or SSDI income must be submitted to the City program staff, and

WHEREAS, staff from the Modesto Independent Living Center will assist with screening for eligibility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Youth/Senior Financial Assistance Program Eligibility Guidelines to include disabled adults.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of March, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-169

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 34 AND FOR CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE SOUTH SIDE OF MERLE AVENUE WEST OF CLAUS ROAD IN THE VILLAGE ONE SPECIFIC PLAN AREA. (WES BRENDLER)

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

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

WHEREAS, an application has been filed by Wes Brendler for a Precise Plan for Area No. 34, property located on the south side of Merle Avenue west of Claus Road, for a gated community, and

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

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

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. 98-08, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 98-21, adopted on March 2, 1998, and City staff, by a report dated March 12, 1998, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 34 of the Village One Specific Plan as set forth in said Resolution No. 98-21, and recommended approval of an Amendment to Section 13-3-9 of the Zoning Map to rezone from a Specific Plan-Holding Zone, SP-H to a Specific Plan-Overlay Zone, SP-O, Precise Plan Area 34, property located on the south side Merle Avenue, west of Claus Road, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 7, 1998, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. 98-08, entitled "City of Modesto Initial Study Precise Plan No. 34 and Rezoning to Specific Plan-Overlay Zone", for the proposed project, and the Council hereby makes the following findings:

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

2. There are no substantial changes occurring with respect to the circumstances under which the Precise Plan and rezoning are being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

4. The Initial Study, Environmental Assessment No. 98-08, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. 98-08, entitled "City of Modesto Initial Study Precise Plan No. 34 and Rezoning to Specific Plan-Overlay Zone", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto
Initial Study

Precise Plan No. 34 and Rezoning to Specific Plan-Overlay Zone
E.A. No. 98-08
February 12, 1998

I. PURPOSE

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

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

Section 15182 of the CEQA Guidelines states that no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformance with a specific plan for which an EIR has been prepared, if the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

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

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

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:

Precise Plan No. 34 and Rezoning to Specific Plan-Overlay Zone

B. Lead agency name and address:

City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:

Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:

The south side of Merle Avenue west of Claus Road.

E. Project Sponsor:

Wes Brendler, 2021 Woodland Ave., Modesto, CA 95358

F. General Plan Designation: Village Residential (VR)

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

H. Description of Proposed Project:

The Precise Plan and rezoning are to allow development for development of 36 acres with single-family residential development, with an expected dwelling-unit yield of 135 dwelling units.

I. Surrounding land uses:

The project is adjoined on the north by a series of ranchette parcels, designated in the Village One Specific Plan for residential development; to the east by Claus Road, and parcels designated for business park development in the Specific Plan; to the south by MID Lateral No. 3, Briggsmore Avenue, and a psychiatric hospital and single-family subdivision; and on the west by agricultural land designated for residential development in the Specific Plan, with an approved Precise Plan for residential development.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:

1. **Traffic and Circulation**

   Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity (135 dwelling units), and provides a circulation system consistent with the Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. **Degradation of Air Quality**

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

3. **Generation of Noise**

   Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The proposed Precise Plan and rezoning are accompanied by a noise analysis that provides for alternate mitigation measures that achieve the same exterior noise levels prescribed in the Village One EIR. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. **Vegetation and Wildlife**

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

5. **Land Use**

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

6. **Population, Employment and Housing**

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

7. **Urban Design and Visual Quality**

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. **Geology and Soils**

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

9. **Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The development proposed by Precise Plan and

rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

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

11. Fiscal Impacts

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

12. Cumulative Impacts

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

13. Growth Inducing Impacts

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

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

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

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

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

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

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

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

EA RESOLUTION

1 Attorney
1 CDD - Constructin Administration
1 Initiating Department - Attention: Steve Mitchell
3

MODESTO CITY COUNCIL
RESOLUTION NO. 98-170

Print

A RESOLUTION APPROVING AMENDMENT NO. 2 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO ALLOW INDOOR THEATERS IN THE REGIONAL COMMERCIAL DESIGNATION WITH A PLANNED DEVELOPMENT ZONE (COSTA LIMITED PARTNERS).

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

WHEREAS, on April 1, 1997, the City Council by Resolution No. 97-159 adopted the Kiernan Business Park Specific Plan, and

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

WHEREAS, on November 4, 1997, the Council adopted Resolution No. 97-630 approving Amendment No. 1 to the Kiernan Business Park Specific Plan to add text to Chapter V, page 34, of the Plan's Public Facilities section to allow for future changes in Public Service Providers, and

WHEREAS, Costa Limited Partners has proposed Amendment No. 2 to the Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theaters with a Planned Development Zone in the Regional Commercial designation, and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 16, 1998, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California,

at which hearing evidence both oral and documentary was received and considered regarding the proposed Specific Plan Amendment, and

WHEREAS, after said public hearing held on March 16, 1998, the Planning Commission adopted Resolution No. 98-25, recommending to the City Council Amendment No. 2 to the Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theaters with a Planned Development Zone in the Regional Commercial designation, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 7, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held and evidence both oral and documentary was received and considered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposal to amend the Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theaters with a Planned Development Zone in the Regional Commercial designation, as recommended by the Planning Commission in its Resolution No. 98-25, is consistent with the City of Modesto Urban Area General Plan for the following reason:

> Theaters do not conflict with the Regional Commercial designation of the General Plan, which provides for commercial that meets the needs of the region as well as the community.

BE IT FURTHER RESOLVED that said Amendment No. 2 to the Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theaters with a Planned Development Zone in the Regional commercial designation, as recommended by the Planning Commission, is hereby approved as set forth in Exhibit "A", a copy of which is attached hereto

and incorporated herein by reference, and 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 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

AMENDMENT NO. 2 TO KIERNAN BUSINESS PARK SPECIFIC PLAN

allowed in commercial zones adjacent to residential areas. Compatibility is ensured through development standards which are noncommercial in nature.

b. Allowable Uses. The land uses allowed in Area B shall be those allowed in the P-O Zone, with the exception that no residential uses shall be allowed. Examples of allowed uses include:

- Business offices, such as real estate, insurance, and stock broker.
- Medical and dental offices.
- Professional offices such as accountants, attorneys, architects and engineers.

3. Area C - Regional Commercial

Policy LU-7: All development in Area C, as shown in Figure III-1, designated Regional Commercial, shall be required to conform with the uses and regulations of the Highway Commercial (C-3) Zone (Sec. 10-2.1201 et seq. of the Modesto Municipal Code), except where otherwise noted below or in Section E, Development Criteria.

a. Purpose. The Regional Commercial designation is intended to accommodate limited retail uses that are generally dependent on a regional rather than a local population for their support.

b. Allowable Uses. The land uses allowed in Area C shall be those allowed in the C-3 Zone, except where noted below. Examples include:

- Department stores
- Volume discount department stores
- Home improvement, hardware stores (not stores devoted exclusively to lumber or any other building material)
- Automobile dealers

c. Modifications to Allowable Uses.

(1) No residential uses are allowed in Area C.
(2) No radio/TV transmitters are allowed in Area C.
(3) Indoor theaters are allowed with a Planned Development Zone, as specified in Section 10-2.1703 of the Municipal Code.

E. Development Criteria

This section provides the standards and criteria by which development in the Kiernan Business Park will proceed including performance, development and supplemental development standards in compliance with Section 65451 (a) (3) of the California Government Code. These development standards are intended to create an integrated development pattern and encourage complementary development while allowing flexibility.

EXHIBIT A

MODESTO CITY COUNCIL
RESOLUTION NO. 98-171

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 94082005) RELATING TO THE APPROVAL OF THE KIERNAN BUSINESS PARK SPECIFIC PLAN: APPROVING AMENDMENT NO. 2 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO CHANGE SECTION III-D(3)(C) OF THE SPECIFIC PLAN WHICH SPECIFIES MODIFICATIONS TO THE ALLOWABLE USES IN THE REGIONAL COMMERCIAL DESIGNATION.

WHEREAS, on April 1, 1997, by Resolution No. 97-160, the City Council of the City of Modesto certified the Final Environmental Impact Report (" EIR") (SCH 94082005) for the Kiernan Business Park Specific Plan, and

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. 98-11 reviewed a proposed Amendment No. 2 to the Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theaters with a Planned Development Zone in the Regional Commercial designation, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Final EIR; and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Final EIR, and

WHEREAS, on April 7, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed 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. There are no substantial changes proposed in the project which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused Eir.

3. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

4. The Initial Study, Environmental Assessment No. 98-11, provides substantial evidence to support findings 1, 2, and 3 above.

5. As per Section 2166 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study

E.A. No. 98-11

City of Modesto
Initial Study

Kiernan Business Park Specific Plan Amendment No. 2
E.A. No. 98-11
March 11, 1998

I. PURPOSE

On April 1, 1997, the Modesto City Council certified the Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans (SCH# 94082005). This Final Focused EIR analyzed the impacts of build-out of the Kiernan Business Park Specific Plan, which includes the area in which this project is proposed. Section 21166 of Public Resources Code allows the Kiernan Business Park Focused EIR to be used for subsequent projects, provided the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.
B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:

Kiernan Business Park Specific Plan Amendment No. 2

B. Lead agency name and address:

City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:

Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:

EXHIBIT A

The north side of Pelandale Avenue, east of Sisk Road.

E. Project Sponsor:

Costa Limited Partners, c/o Curtis & Arata, PO Box 3030, Modesto, CA 95353

F. General Plan Designation: Regional Commercial (RC)

G. Current Zoning: Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:

This is an amendment to the Kiernan Business Park Specific Plan to allow theaters with a Planned Development zone.

I. Surrounding land uses:

The amendment area is adjoined on the north by an M.I.D. canal, and north of that ranchettes and agricultural land, designated for future business park development by the Kiernan Business Park Specific Plan. It is adjoined on the east by a well drilling business and agricultural land designated for future office development. On the south is Pelandale Avenue, a future 6-lane expressway, and south of that is an existing commercial center and single-family subdivisions. To the west is a vacant parcel.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF CONFORMANCE WITH SECTION 21166 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Kiernan Business Park Specific Plan Focused EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages IV-A-1 through IV-A-48 of the Kiernan Business Park Focused EIR. The EIR included an analysis of the traffic impacts of including theaters in the Regional Commercial area of the Business Park. Therefore, the proposed

amendment is consistent with analysis of this section of the EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages IV-B-1 through IV-B-10 of the Kiernan Business Park Focused EIR. Air quality impacts are directly related to traffic impacts for this project, as automobile exhaust emissions account for the vast majority of impacts to air quality. Because the EIR already analyzed the impacts of theaters in the Regional Commercial area, the air quality impacts of the proposed amendment are consistent with those analyzed in the EIR.

3. Generation of Noise

Noise impacts are analyzed on pages IV-C-1 through IV-C-14 of the Kiernan Business Park Focused EIR. On page IV-C-4 of the EIR, it states that the proposed uses in the Kiernan Business Park would be compatible with the future noise environment, without the need for additional mitigation measures beyond those prescribed in the General Plan. Since this project proposes development consistent in type and intensity with those analyzed in the EIR, this conclusion remains valid.

4. Increased Demand for Water Supplies

Demand for water supplies is analyzed on pages IV-D-1 through IV-D-4 of the Kiernan Business Park Focused EIR. It concluded that demand for water supplies would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, this conclusion would not change.

5. Increased Demand for Sanitary Sewer Services

Demand for sewer services is analyzed on pages IV-E-1 through IV-E-4 of the Kiernan Business Park Focused EIR. The EIR concluded that the uses in the Kiernan Business Park would not generate more sewage than anticipated in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no increased demand for sewer services over that analyzed in the EIR.

6. Loss of Sensitive Wildlife and Plant Habitat

Impacts to sensitive wildlife and plant habitat are analyzed on pages IV-F-1 through IV-F-12 of the Kiernan Business Park Focused EIR. The EIR

concluded that there would be no significant effects to sensitive wildlife and plant habitat beyond those analyzed in the General Plan Master EIR. Because this project proposes uses of a type, intensity and location consistent with those analyzed in the EIR, this conclusion does not change.

7. Drainage, Flooding and Water Quality

Drainage, flooding and water quality are analyzed on pages IV-G-1 through IV-G-4 of the Kiernan Business Park Focused EIR. The EIR concluded that there were no significant impacts in this area over those analyzed in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no additional impacts over those analyzed in the EIR.

8. Increased Demand for Storm Drainage

Demand for storm drainage is analyzed on pages IV-H-1 through IV-H-4 of the Kiernan Business Park Focused EIR. It concluded that demand for storm drainage would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, this conclusion would not change.

9. Generation of Hazardous Materials

Generation of hazardous materials was analyzed by the General Plan Master EIR on pages IV-16-1 through IV-16-15. The EIR concluded that there would be no significant impacts to the generation of hazardous materials that were not mitigable. Since this project is consistent with the Regional Commercial designation of the General Plan in terms of type, location and intensity, this conclusion would remain valid.

10. Increased Demand for Schools

Increased demand for schools is analyzed on pages IV-J-1 through IV-J-5 of the Kiernan Business Park Focused EIR. It concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, this conclusion remains valid.

11. Increased Demand for Parks and Open Space

Increased demand for parks and open space is analyzed on pages IV-K-1 through IV-K-4 of the Kiernan Business Park Focused EIR. It concluded

that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, this conclusion remains valid.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.

C. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

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

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

MODESTO CITY COUNCIL
RESOLUTION NO. 98-172

Print

A RESOLUTION CONFIRMING THE STATEMENT OF EXPENSES FOR THE DEMOLITION OF THE BUILDINGS AND STRUCTURES LOCATED AT THE CORNER OF SIXTH AND "I" STREETS (COMMONLY REFERRED TO AS 601 AND 607 "I" STREET AND 908 SIXTH STREET).

WHEREAS, by Council Resolution No. 97-453 adopted on August 5, 1997, the City Council ordered the demolition of the buildings and structures located at the corner of Sixth and "I" Streets (commonly referred to as 601 and 607 "I" Street and 908 Sixth Street, and

WHEREAS, item number 7 on page 6 of said Resolution No. 97-453 directed City staff to keep an itemized account of the expenses incurred in the razing and removing of such buildings and structures, and

WHEREAS, the Community Development Department submitted an Agenda Report dated March 25, 1998, to the City Council which contained the Statement of Expenses associated with the abatement of the nuisance of the subject demolition project, and

WHEREAS, following is a brief summary of the Statement of Expenses:

Staff	$	1,944.97
Materials	$	132.10
Demolition	$	54,648.00
TOTAL	$	56,725.07

WHEREAS, at its meeting of April 7, 1998, the City Council considered said Agenda Report, a copy of which is attached hereto and incorporated herein by reference, which contains a full explanation of expenses, and which requested the Council to confirm the

Statement of Expenses for the demolition of the buildings and structures located at the corner of Sixth and "I" Streets (commonly referred t as 601 and 607 "I" Street and 908 Sixth Street),

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

1. That on March 27, 1998, the Chief Building Official posted conspicuously on the premises located at the corner of Sixth and "I' Streets (601, 607 "I" Street and 908 Sixth Street) copies of the Statement of Expenses of razing and removing the buildings and structures, together with a Notice of time and place and when and where said Statement would be submitted to the Council for approval and confirmation.

2. That a copy of the Statement of Expenses and Notice were mailed on March 27, 1998, by certified mail, postage prepaid, return receipt requested, to the record owner(s), and an affidavit of posting and mailing was filed with the City Clerk.

3. That the expenses of abating the nuisance are hereby confirmed.

4. That in the event the City is not reimbursed within five (5) days after the resolution confirming the Statement of Expenses, the expense of abating the nuisance shall constitute a lien on the premises and City staff is hereby authorized and directed to file and record with the Stanislaus County Recorder a Notice of Lien pursuant to and in compliance with 25 California Code of Regulations, Section 70.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NO. COUNCIL MEETING: 4/7/98

March 25, 1998

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Consider Adopting a Resolution Confirming the Statement of Expenses for the Demolition of the Apartments Located at the Corner of Sixth and "I" Streets (601, 607 "I" Street, 908 Sixth Street)

RECOMMENDED COUNCIL ACTION:

A resolution declaring the following:

1. That on March 27, 1998, the Chief Building Official has posted conspicuously on the premises a verified statement showing the expense of razing and removing the buildings and structures, together with a notice of time and place, when and where said statement shall be submitted to the Council for approval and confirmation.

2. That a copy of the statement of expenses and notice were mailed on March 27, 1998, by certified mail, postage prepaid, return receipt requested, to the record owner(s) and an affidavit of posting and mailing was filed with the City Clerk.

3. That the expenses of abating the nuisance are confirmed.

4. That in the event the City is not reimbursed within five (5) days after the resolution confirming the statement of expenses, the expense of abating the nuisance shall constitute a lien on the premises and City staff is authorized and directed to file and record with the Stanislaus County Recorder a Notice of Lien pursuant to and in compliance with 25 California Code of Regulations, Section 70.

BACKGROUND:

The premises at Sixth and "I" Streets consisted of three separate buildings and a total of 14 individual apartment units.

After a public hearing on June 10, 1997, the Council determined that the property was a nuisance and allowed the owners of the property 30 days from the date of posting as a nuisance to repair or demolish the building. The property was posted on June 13, 1997. On July 14, 1997, the owner had not repaired or demolished the buildings and the City took jurisdiction over the property for the purpose of determining the future of the buildings. On

July 22, 1997, an asbestos removal company inspected the property to determine if there was any asbestos present in the buildings. The report was completed on July 30, 1997, stating that asbestos was present and gave an estimate of the cost of removal. On August 5, 1997, the Council by resolution ordered the demolition of the substandard buildings and to keep an itemized account of the expenses incurred in the razing and removal of the buildings and structures. On August 6, 1997, a contract was signed with Modesto Sand and Gravel for demolition of the structures. However, demolition could not begin until an asbestos removal permit was obtained from the Air Pollution Control District and the asbestos removed. On August 26, 1997, a contract was signed with E.T. Abatement to remove the asbestos from the site. On November 5, 1997, the buildings were completely removed and the site cleared.

All of the expenses associated with the abatement of the nuisance of Sixth & "I" are listed below and were posted on the property and sent to the owner.

STATEMENT OF EXPENSES

STAFF EXPENSES

Building Inspector	Hours
Initial Title Search	1.0
Meetings with City Attorney's Office	4.0
On-site Inspections	10.0
Preparation of Notice and Order	8.0
City Council Meeting	.5
Total Hours/Cost	23.5 @ $34.58 = $ 812.63

Administrative Clerk	Hours
Preparation of Notice and Order	6.0
Preparation of Agenda Report to Set Council Hearing (Pink Sheet) - June 10, 1997, Meeting	3.0
Preparation of Agenda Report for Council Hearing (Blue Sheet) - August 5, 1997, Meeting	3.0
Preparation of Staff Report of Expenses Incurred to Abate the Nuisance	3.0
Total Hours/Cost	15.0 @ $19.50 = $ 292.50

Chief Building Official	Hours
Preparation of Agenda Item and Staff Report to Set Council Hearing (Pink Sheet) - June 10, 1997, Meeting	3.0
Preparation of Agenda Item and Staff Report for Council Hearing to Declare Property a Nuisance (Blue Sheet) - August 5, 1997, Meeting	3.0
Preparation of Staff Report of Expenses Incurred to Abate the Nuisance	2.0
Preparation of Council Agenda Item and Staff Report (Blue Sheet) - April 7, 1998, Meeting	2.0
Meetings with City Attorney's Office	4.0
City Council Meetings	2.0
Total Hours/Cost	16.0 @ $52.49 = $ 839.84

TOTAL STAFF EXPENSES = $1,944.97

MATERIAL EXPENSES

PIRT Report	$ 100.00
Certified Mailings	32.10
TOTAL MATERIAL EXPENSES =	$ 132.10

DEMOLITION AND ASBESTOS REMOVAL EXPENSES

Freeman Environmental - Asbestos Sampling and Analysis	$ 950.00
E.T. Asbestos Removal - Asbestos Abatement	15,848.00
Modesto Sand and Gravel - Demolition	37,850.00
TOTAL DEMOLITION AND ASBESTOS REMOVAL EXPENSES =	$ 54,648.00

SUMMARY OF ALL EXPENSES:

Staff	-	$ 1,944.97
Materials	-	$ 132.10
Demolition	-	$ 54,648.00
TOTAL	-	$ 56,725.07

REASON FOR RECOMMENDED ACTION:

California Law provides for the abatement of private property found to be substandard as defined by Section 17920.3, Health and Safety Code. The Law further provides for the confirmation of expenses in abating the nuisance and filing and recording a lien if not reimbursed within five (5) days of a resolution confirming the expenses.

The Council can confirm the statement of expenses and direct staff to file and record a lien if the owners do not reimburse the City as described above.

ISSUES:

The buildings on the premises have been demolished and the site cleared. The owners have been notified of the expenses and have five (5) days following the resolution confirming the costs to reimburse the City or a lien will be filed and recorded.

STEPS FOLLOWING APPROVAL:

1. Resolution prepared confirming expenses to abate nuisance of substandard apartments at corner of Sixth and "I" Streets.

2. Owner reimburses the City for Cost of Abatement within five (5) days of resolution confirming expenses or City files and records with the Stanislaus County Recorder a Notice of Lien pursuant to and in compliance with 25 California Code of Regulations, Section 70.

Prepared By: Daryl Willey
Daryl Willey, Chief Building Official

Recommended By: Philip A. Testa
Philip A. Testa, Community Development Director

Submitted By:
J. Edward Tewes, City Manager

Attachment: Statement of Expenses Letter dated March 27, 1998
PT/GO/DW/lr
cc: Finance Manager
City Attorney
City Clerk (18)
Deputy City Manager

CITY of MODESTO

Community Development Department

CERTIFIED - RETURN RECEIPT REQUESTED

March 27, 1998

Robbon Properties, A General Partnership
c/o Robert Pack, General Partner
Robert Pack
Bonnie Sue Mandel
Susanna N. Grossman
5283 Vista Grande Drive
Santa Rosa, CA 95403

RE: NOTICE OF HEARING TO CONSIDER ADOPTING A RESOLUTION CONFIRMING THE STATEMENT OF EXPENSES IN ABATING THE NUISANCE, INCLUDING RAZING AND REMOVAL OF THE APARTMENTS/STRUCTURES LOCATED AT SIXTH AND "I" (601, 607 "I" Street and 908 Sixth Street, Modesto, California)

To Whom it May Concern:

As directed by City Council Resolution No. 97-453, Item 7, the City of Modesto staff has itemized the expenses incurred in abating the nuisance, including the razing and removal of the apartments/structures described above at 6th and "I" Streets. This itemization has been posted on the property on the date of this letter and has been submitted to the City Council for approval and confirmation.

The City Council will conduct a hearing on APRIL 7, 1998, AT 7 P.M., to consider the statement of expenses together with any objections that might be raised. If the expenses are deemed just, the City Council, by Resolution, will order that the statement of expenses be confirmed. In the event that the City is not reimbursed for expenses incurred to abate the nuisance within five (5) days after the resolution confirming the expenses, a Notice of Lien will be filed and recorded with the Stanislaus County Recorder.

801 11th Street, P. O. Box 642, Modesto, CA 95353
Phone (209) 577-5267, (209) 577-5232 (Building Inspection)

STATEMENT OF EXPENSES

STAFF EXPENSES

Building Inspector	Hours
Initial Title Search	1.0
Meetings with City Attorney's Office	4.0
On-site Inspections	10.0
Preparation of Notice and Order	8.0
City Council Meeting	.5
Total Hours/Cost	23.5 @ $34.58 = $ 812.63

Administrative Clerk	Hours
Preparation of Notice and Order	6.0
Preparation of Agenda Report to Set Council Hearing (Pink Sheet) - June 10, 1997, Meeting	3.0
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Preparation of Staff Report of Expenses Incurred to Abate the Nuisance	3.0
Total Hours/Cost	15.0 @ $19.50 = $ 292.50

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Preparation of Agenda Item and Staff Report for Council Hearing to Declare Property a Nuisance (Blue Sheet) - August 5, 1997, Meeting	3.0
Preparation of Staff Report of Expenses Incurred to Abate the Nuisance	2.0
Preparation of Council Agenda Item and Staff Report (Blue Sheet) - April 7, 1998, Meeting	2.0
Meetings with City Attorney's Office	4.0
City Council Meetings	2.0
Total Hours/Cost	16.0 @ $52.49 = $ 839.84

TOTAL STAFF EXPENSES = $1,944.97

MATERIAL EXPENSES

PIRT Report	$ 100.00
Certified Mailings	32.10
TOTAL MATERIAL EXPENSES =	$ 132.10

DEMOLITION AND ASBESTOS REMOVAL EXPENSES

Freeman Environmental - Asbestos Sampling and Analysis	$ 950.00
E.T. Asbestos Removal - Asbestos Abatement	15,848.00
Modesto Sand and Gravel - Demolition	37,850.00
TOTAL DEMOLITION AND ASBESTOS REMOVAL EXPENSES =	$ 54,648.00

SUMMARY OF ALL EXPENSES:

Staff	-	$ 1,944.97
Materials	-	$ 132.10
Demolition	-	$ 54,648.00
TOTAL	-	$ 56,725.07

IF NOT PAID WITHIN FIVE (5) DAYS OF THE RESOLUTION CONFIRMING THE STATEMENT OF EXPENSES, THE TOTAL EXPENSE SHALL CONSTITUTE A LIEN AGAINST THE SUBJECT REAL PROPERTY, WHICH LIEN SHALL CONTINUE UNTIL THE AMOUNT THEREOF AND INTEREST THEREON AT THE RATE OF SIX (6) PERCENT PER ANNUM, COMPUTED FROM THE DATE OF CONFIRMATION OF THE STATEMENT OF EXPENSES UNTIL PAID, OR UNTIL IT IS DISCHARGED OF RECORD. IN THE EVENT OF NONPAYMENT, CITY OF MODESTO SHALL FILE IN THE OFFICE OF THE STANISLAUS COUNTY RECORDER A NOTICE OF LIEN ON THE SUBJECT REAL PROPERTY.

Sincerely,

Daryl Willey

Daryl Willey, Chief Building Official
BUILDING INSPECTION SECTION
Development Services Division

DW:lr

MODESTO CITY COUNCIL
RESOLUTION NO. 98-173

A RESOLUTION ACCEPTING THE PROJECT TITLED "COLLEGE AVENUE OVERLAY BETWEEN WEST BRIGGSMORE AVENUE AND CECIL WAY" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled College Avenue Overlay between West Briggsmore Avenue and Cecil Way, has been completed by George Reed Inc., in accordance with the contract agreement dated August 5, 1997.

NOW, THEREFORE, BE IT RESOLVED that the College Avenue Overlay between West Briggsmore Avenue and Cecil Way be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $389,283.61 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-174

A RESOLUTION ACCEPTING THE PROJECT TITLED "PRESCOTT ROAD - ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Prescott Road - Road Construction and Drainage Improvements, has been completed by Ross F. Carroll Inc., in accordance with the contract agreement dated August 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Prescott Road - Road Construction and Drainage Improvements be accepted from said contractor, Ross F. Carroll Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $542,469.92 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-175

A RESOLUTION APPROVING AGREEMENTS BETWEEN THE CITY OF MODESTO AND COLE-YEE-SCHUBERT, STRUCTURAL ENGINEERS, INC. FOR THE STRUCTURAL PLAN CHECK OF THE JPA BUILDING AND PARKING STRUCTURE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreements between the City of Modesto and Cole-Yee-Schubert for the structural plan check fo the JPA building and the parking structure be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-176

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE

WHEREAS, the JPA Building and Parking Structure requires an expedited structural plan check which staff cannot meet due to current workload; and

WHEREAS, due to the increase in construction activity that was not anticipated, additional funds need to be transferred into the Professional Services account.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue:	#010-140-1401-4007	$41,900
Appropriation:	#010-140-1401-0235	$41,900

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-177

Print

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE ISSUANCE OF AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $5,000,000 MULTIFAMILY HOUSING REVENUE REFUNDING BONDS, 1998 SERIES A (VALLEY OAK PROJECT) AND NOT TO EXCEED $1,000,000 FEDERALLY TAXABLE MULTIFAMILY HOUSING REVENUE REFUNDING BONDS, 1998 SERIES B (VALLEY OAK PROJECT) FOR THE PURPOSE OF REFINANCING THE VALLEY OAK PROJECT AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Modesto (the "City") is a charter city and municipal corporation organized and existing under the Constitution and laws of the State of California, and

WHEREAS, pursuant to the provisions of Chapter 7 of Part 5 of Division 31 of the Health and Safety Code of the State of California, as amended (the "Law"), the City is authorized (I) to engage in certain activities related to the provision of decent, safe and adequate housing for persons residing in the City, including the financing of multifamily housing, and (ii) to issue bonds for the purpose of making loans to finance such residential construction, and

WHEREAS, pursuant to the Law, the City has implemented a residential construction financing program and in furtherance of such program, on January 11, 1985, issued its Residential Rental Housing Revenue Bonds (Valley Oak Project) in the aggregate principal amount of $6,055,000 (the "Original Bonds"), under and pursuant to that certain Trust Indenture, dated as of October 15, 1984 (the "Original Indenture"), by and between the City and BNY Western Trust Company, as successor trustee thereunder (the "Original Bonds Trustee"), for the purpose of financing the construction of a 208-unit multifamily housing development known as the Valley Oak

Apartments located in the City of Modesto, California (the "Project"), occupied partially (at least 20%) by individuals of low and moderate income within the meaning of Section 103(b)(12)(C) of the Internal Revenue Code of 1954, as amended (the "1954 Code"), and

WHEREAS, in order to finance the Project, the Original Bonds Trustee made a loan (the "Mortgage Loan") to V O Associates, a California limited partnership (the "Owner"), secured by a series of non-recourse mortgage loans evidence by mortgage notes which were secured by related deeds of trust with respect to each rental unit comprising the Project, and

WHEREAS, pursuant to that certain Regulatory Agreement, dated as of October 15, 1984, by and between the City and the Owner, the Owner agreed to set aside certain units in the Project for Qualifying Tenants (as such term is defined in the Regulatory Agreement), and

WHEREAS, the Owner has determined that it would be financially advantageous to refinance the Project and redeem the Original Bonds and has requested the City's assistance in carrying out the plan of refinance, and

WHEREAS, the Owner has applied to Washington Capital DUS, Inc., a Delaware corporation, as lender (the "Lender"), for credit enhancement and liquidity support for the Bonds (as defined below) through the issuance of a Guaranteed Mortgage Pass-through Certificate by the Federal National Mortgage Association ("Fannie Mae"), and

WHEREAS, the City has determined to assist in the refinancing of the Project through the issuance, pursuant to Section 53570 et seq. of the Government Code of the State of California (the "Act") and pursuant to an Indenture of Trust, dated as of April 1, 1998 (the "Trust Indenture"), by and between the City and BNY Western Trust Company, as trustee (the "Trustee"), of not to exceed $5,000,000 of its Multifamily Housing Revenue Refunding Bonds, 1998 Series A (Valley Oak Project) (the "1998 Series A Bonds"), and not to exceed $1,000,000 of its Federally Taxable

Multifamily Housing Revenue Refunding Bonds, 1998 Series B (Valley Oak Project) (the "1998 Series B Bonds" and, together with the 1998 Series A Bonds, the "Bonds"), and

WHEREAS, pursuant to an Amended and Restated Tax and Regulatory Agreement, dated as of April 1, 1998 (the "Tax Regulatory Agreement") by and among the Owner, the City and the Trustee, the Owner covenants that it will comply with all requirements of Section 103(b)(12)(C) of the 1954 Code and the Internal Revenue Code of 1986, as amended (the "1986 Code"), and the regulations and ruling promulgated thereunder, and with all other requirements of the Act and any and all rules and regulations of the City, and

WHEREAS, upon the issuance and delivery of the Bonds, the Trustee will fund or cause to be funded the Mortgage Loan (as defined below), the proceeds of which will be deposited with the Original Bonds Trustee to be applied, together with other moneys available for such purpose, to the redemption of the Original Bonds on May 1, 1998, and

WHEREAS, pursuant to the terms of the Financing Agreement (the "Financing Agreement"), dated as of April 1, 1998, by and among the City, the Owner, the Lender and the Trustee, upon delivery of the Bonds, the Lender shall fund a loan to the Owner in a principal amount not to exceed $6,000,000 (the "Mortgage Loan"), evidenced by a Multifamily Note (the "Mortgage Note") in such amount from the Owner and secured by a Multifamily Deed of Trust, Assignment of Rents and Security Agreement (the "Mortgage") with respect to the Project, and

WHEREAS, upon the satisfaction of certain terms and conditions of Fannie Mae, Fannie Mae will acquire the Mortgage Loan from the Lender and issue in exchange therefor a Guaranteed Mortgage Pass-through Certificate (the "Pass-through Certificate") representing an undivided interest in the Mortgage Loan under the terms of which timely payment of principal and interest on the Pass-

through Certificate is guaranteed by Fannie Mae regardless of whether corresponding payments on the Mortgage Loan are paid when due, and

WHEREAS, the Bonds are proposed to be issued and sold to PaineWebber Incorporated (the "Underwriter") pursuant to the terms of a Bond Purchase Contract, to be dated on or about April 1, 1998 among the City, the Owner and the Underwriter (the "Bond Purchase Contract"), and

WHEREAS, the City has caused to be prepared and lodged with the City Clerk, the following instruments:

(1) the form of Trust Indenture,

(2) the form of Financing Agreement,

(3) the form of Tax Regulatory Agreement,

(4) the form of Preliminary Official Statement to be dated on or about March 27, 1998 and to be used in connection with the offer and sale of the Bonds, and

(5) the form of Bond Purchase Contract.

WHEREAS, pursuant to the requirements of Section 147(f) of the 1986 Code, the City is required to obtain the approval of the City Council of the City or the Mayor of the City prior to issuing the 1998 Series A Bonds, which approval is to be preceded by a duly noticed public hearing, and

WHEREAS, the City has given notice of the required public hearing pursuant to the 1986 Code, and the issuance of the 1998 Series A Bonds is contingent upon the approval by the City Council of the City or the Mayor of the City, and

WHEREAS, the City is now duly authorized and empowered, pursuant to each and every requirement of law, to issue the Bonds for the purpose and in the manner herein provided, and

WHEREAS, the City now wishes to provide for the issuance of the Bonds,

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 declares that the actions authorized hereby constitute, and are in furtherance of, the municipal affairs of the City and that the statements, findings and determinations of the City Council set forth in the preambles of the documents approved herein are true and correct.

Section 2. Authorization of Issuance of Bonds; Special Obligations of City. In order to provide funds to refund the Original Bonds and to provide funds to pay the costs of issuance associated therewith, the City Council hereby authorizes and approves the issuance of an aggregate principal amount of not to exceed $5,000,000 of its Multifamily Housing Revenue Refunding Bonds, 1998 Series A (Valley Oak Project) (the "1998 Series A Bonds"), and an aggregate principal amount of not to exceed $1,000,000 of its Federally Taxable Multifamily Housing Revenue Refunding Bonds, 1998 Series B (Valley Oak Project) (the "1998 Series B Bonds," and, together with the 1998 Series A Bonds, the "Bonds"), maturing and bearing interest at the rates provided and subject to all of the terms provided in the Trust Indenture hereinafter approved; provided, however, that the interest rate on the 1998 Series A Bonds shall not exceed 6.50% and the interest rate on the 1998 Series B Bonds shall not exceed 7.50%.

The Bonds shall be special, limited obligations of the City and shall be payable as to principal, premium and interest, and the obligations of the City under the Trust Indenture shall be paid and satisfied, solely from the revenues, receipts and other moneys pledged therefor under the Trust Indenture. The Bonds shall not constitute a debt of the City, the State of California (the "State") or any political subdivisions thereof (except the City as aforesaid), and neither the City, the

State nor any of its political subdivisions (except the City as aforesaid) is liable thereon, nor in any event shall the Bonds or interest thereon be payable out of any funds or properties other than funds as set forth in the Trust Indenture. The Bonds shall not be a debt of the United States of America, Fannie Mae or any other governmental agency, and are not guaranteed by the full faith and credit of the United States of America, Fannie Mae or any other governmental agency.

Section 3. Approval of Trust Indenture. The City Council hereby approves the form of a Trust Indenture, to be dated as of April 1, 1998, by and between the City and the Trustee, substantially in the form lodged with the City Clerk, and the City Manager or the Interim Finance Director (as the case may be) of the City is authorized and requested to execute the Trust Indenture, but with such changes therein, deletions therefrom and modifications thereto as the City Manager or the Interim Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. Approval of Tax Regulatory Agreement. The City Council hereby approves the form of Tax Regulatory Agreement, to be dated as of April 1, 1998, by and among the City, the Owner and the Trustee substantially in the form lodged with the City Clerk, and the City Manager or the Interim Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Tax Regulatory Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Interim Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 5. Approval of Financing Agreement. The City Council hereby approves the form of Financing Agreement, to be dated as of April 1, 1998, by and among the City, the Owner, the Lender and the Trustee substantially in the form lodged with the City Clerk, and the City Manager

or the Interim Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Financing Agreement, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Interim Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof.

Section 6. Approval of Preliminary Official Statement and Official Statement. The City Council hereby approves the form of the Preliminary Official Statement substantially in the form lodged with the City Clerk. The City Manager or the Interim Finance Director (as the case may be) of the City is authorized (I) to make such changes in the Preliminary Official Statement, deletions therefrom and modifications thereof as the City Manager or the Interim Finance Director (as the case may be) shall approve in connection with the preparation of the Preliminary Official Statement and the preparation of a final Official Statement to be dated on or about the date of sale of the Bonds (the "Official Statement"), and (ii) to execute and deliver the Official Statement on or following the date of sale of the Bonds, the execution of the Official Statement by any of said persons to be conclusive evidence of the approval thereof. The City Manager or the Interim Finance Director (as the case may be) is hereby authorized and directed to execute a certificate deeming the Preliminary Official Statement final for purposes of Rule 15c2-12 of the Securities Exchange Commission. The City Manager or the Interim Finance Director (as the case may be) shall cause copies of the Official Statement to be delivered to the Underwriter no later than seven business days following the sale of the Bonds to the Underwriter. The City Council hereby consents to and approves the distribution and circulation of the Preliminary Official Statement and the Official Statement by the Underwriter in connection with the offering, marketing and sale of the Bonds.

Section 7. Approval of Bond Purchase Contract; Award of Bonds. The City Council hereby approves the form of Bond Purchase Contract by and among the City, the Owner and the Underwriter substantially in the form lodged with the City Clerk, and the City Manager or the Interim Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Bond Purchase Contract, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the Interim Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution thereof in accordance with the terms hereof. The City Manager or the Interim Finance Director is hereby authorized to award the Bonds on the terms as provided in the Bond Purchase Contract and in this Resolution.

Section 8. Further Action Authorized. The City Manager, the Mayor, the City Clerk, the City Attorney, the Interim Finance Director and the other officers of the City are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable in order to consummate the offer of sale of the Bonds and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved. It is hereby covenanted that all conditions, acts and things required by the Act or this Resolution to exist, to have happened, and to have been performed precedent to or in the issuance of the Bonds shall exist, have happened and have been performed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-178

Print

A RESOLUTION EXTENDING THE CURRENT PARK DESIGN CONSULTANT LIST THROUGH JUNE 30, 1999, AND APPROVING A POLICY AUTHORIZING CITY STAFF TO ESTABLISH PARK DESIGN CONSULTANT LISTS WHICH WILL BE VALID FOR THREE YEARS, COMMENCING JULY 1, 1999.

WHEREAS, the process of selecting qualified consultant firms for park design is lengthy and time consuming and often delays the commencement of park development, and

WHEREAS, currently, when a consultant is needed to prepare preliminary documents relating to park development, staff must conduct an RFQ/RFP for each project, and

WHEREAS, staff has recently interviewed and selected three firms who are qualified to serve as consultants for park design, and

WHEREAS, in order to proceed with park development in a timely manner, staff is requesting that the current list of consultants, RRM Design Group, Purkiss-Rose RSI and Callander & Associates, be extended for a one year period, and

WHEREAS, during the 1998-1999 fiscal year, staff will prepare an RFP for professional services, select qualified consultants and establish an eligibility list which will be valid for three years, with the first list becoming effective July 1, 1999, and

WHEREAS, thereafter, consultant firms will be able to submit proposals for consideration of their consultant services every three years, and

WHEREAS, consultant services range from $5,000 to $60,000 per project, depending on the project's complexity and scope, and staff will continue to request City Council

approval for all projects over $50,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, in order to facilitate park development, it hereby approves extension of the current list of park design consultants, RRM Design Group, Purkiss-Rose RSI and Callander & Associates, for a one-year period.

BE IT FURTHER RESOLVED that the Council hereby approves a policy for the 1998-1999 fiscal year, authorizing CITY staff to prepare an RFP for professional services, select qualified consultants and establish an eligibility list which will be valid for three years, with the first list becoming effective July 1, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Conrad, Fisher, Smith

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-179

A RESOLUTION APPROVING SUBMISSION OF A REVISED ANNUAL TRANSPORTATION CLAIM, TO INCLUDE A SUPPLEMENTAL APPORTIONMENT, TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG) .

WHEREAS, on June 10, 1997, the City submitted its annual claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development funds, and

WHEREAS, SAAG has informed the City of an additional $520,179 of Local Transportation funding, of which $57,348 is designated for non-motorized projects, and

WHEREAS, the portion of the funding for non-motorized projects will be divided between the Dry Creek Trail Project and the Tuolumne River Trail Project, and

WHEREAS, the remaining $462,831 will be apportioned to: (1) the Modesto Amtrack Station - $310,391; (2) Pothole Repair - $75,000; and (3) Sidewalks - $77,440, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the claim for supplemental apportionment of Transportation Development funds on behalf of the City of Modesto, and that submission of the City of Modesto's Claim to the Stanislaus Area Association of Governments (SAAG) in the amount of $520,179 for fiscal year 1997-98 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-180

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE ADDITIONAL REVENUE

WHEREAS, on June 10, 1997, the City submitted its annual claim to the Stanislaus Area Association of Governments for apportionment of Transportation Development Funds; and

WHEREAS, SAAG has informed the City of an additional $520,179 of Local Transportation funding of which $57,348 is designated for non-motorized projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

ATTACHMENT A

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit		Current Budget ($)	Adjustment Amount ($)	Revised Budget ($)	Document Total
Appropriation	Potholes	010	460	4612	0360	46D		176,880	75,000	251,880	251,880
Appropriation	Amtrack Station	051	430	F654	6040	654	MY	2,130,436	310,391	2,440,827	2,440,827
Appropriation	Transfer out to 010	051	700	7000	7010	06G		700,000	75,000	775,000	
Appropriation	Transfer out to 070	051	700	7000	7070	06G		540,000	15,000		
Appropriation	Transfer out to 070	051	700	7000	7070	06G			62,440	617,440	1,392,440
Appropriation	Contingency Reserve	052	800	8000	8003	56H		167,906	57,348	225,254	225,254
Appropriation	PFD #12 Norwegian	070	430	H064	6040	064	MY	0	15,000	15,000	
Appropriation	Sidewalk Project	070	430	H066	6040	066	MY	1,000	62,440	63,440	78,440
					Total Adjustment				**672,619**	**4,388,841**	**4,388,841**
Revenue	Transfer in from 051	010	700	7000	9051	na		700,000	75,000	775,000	775,000
Revenue	LTF - Motorized	051	510	9510	1213	na		1,421,436	462,831	1,884,267	1,884,267
Revenue	LTF - Non-Motorized	052	510	9510	1216	na		131,045	57,348	188,393	188,393
Revenue	Transfer in from 051	070	700	7000	9051	na		540,000	15,000		
Revenue	Transfer in from 051	070	700	7000	9051	na			62,440	617,440	617,440
					Total Adjustment				**672,619**	**3,465,100**	**3,465,100**

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-181

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GLADYS WALLIS FOR THE PURCHASE OF RIGHT-OF-WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gladys Wallis for the purchase of right-of-way needed for the Carpenter Road widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-182

A RESOLUTION ACCEPTING IMPROVEMENTS IN PARKER PLACE NO. 1 SUBDIVISION AND IN PARKER PLACE NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF SECURITY AGREEMENT

WHEREAS, Redev, Inc., Richard Hagerty, A. E. Carrade, and Mark J. Van Overbeek, subdividers of Parker Place No. 1 subdivision and Parker Place No. 2 subdivision, have caused to be filed a Security Agreement, dated December 12, 1995, to serve as a performance bond to guarantee improvements and to guarantee payment for labor and materials for Parker Place No. 1 and Parker Place No. 2 subdivision and;

WHEREAS, the Director of Community Development, in a memorandum dated March 26, 1998, indicates that all work required by the subdivision agreements has been completed to the satisfaction of the Community Development Department; and

WHEREAS, the Director of Community Development has indicated that it would be in order for the City Council to accept the improvements in said subdivisions as complete and authorize the City Clerk to file notices of completion and release the Security Agreement.

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

1. The improvements in Parker Place No. 1 and Parker Place No. 2 Subdivisions are hereby accepted.

2. The City Clerk is hereby authorized to provide Redev, Inc., Hagerty, Carrade and Overbeek with written notice of the determination that the City is no longer subject to exposure or financial loss of any type arising from the obligations contemplated in Paragraph 3 of Exhibit "A" and Paragraph 3 of Exhibit "B" of the Security Agreement dated December 12, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-183

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR PRESCOTT ROAD AT MID LATERAL 6 CANAL CROSSING FOR THE CONSTRUCTION OF THE PELANDALE EXPRESSWAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for Prescott Road @ MID Lateral 6 canal crossing for the construction of the Pelandale Expressway be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-184

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR PELANDALE AT MID LATERAL 6 CANAL CROSSING FOR THE CONSTRUCTION OF THE PELANDALE EXPRESSWAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for Pelandale @ MID Lateral 6 canal crossing for the construction of the Pelandale Expressway be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-185

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR PELANDALE AT McHENRY AVENUE MID LATERAL 6 CANAL CROSSING FOR THE CONSTRUCTION OF THE PELANDALE EXPRESSWAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District for Pelandale at McHenry Avenue MID Lateral 6 canal crossing for the construction of the Pelandale Expressway be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-186

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

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

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

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

WHEREAS, the City Council has determined that further amendments to the "Policies and Procedures" are appropriate,

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

A. Paragraph 3.d. on page five of the Policies and Procedures is hereby amended to read as follows:

> " Costs Incurred By The City Prior To Formation. All costs incurred by the City prior to formation of the CFD, including but not limited to consultant costs (e.g. legal counsel, engineer firms, appraisers, special tax consultants, financial advisors), City staff and administrative costs and related expenses, cost of providing notices, printing and publication costs, and all expenses directly or indirectly relating to these items, shall be reimbursed to the City by the applicant prior to the completion of formation. The CFD Formation Group shall utilize timekeeping computer software, as such may be updated from time to time, to track billable hours in 1/10 hour increments attributable to CFD formation, amendment, annexation or other modification, and CFD administration. The timekeeping process will be used both to audit time spent as appropriate, and to generate bills to applicants for formation costs. Such bills shall also contain, in so far as practicable, costs or estimates of costs incurred by CFD group members in connection with CFD formation and/or CFD administration.
>
> From time to time the CFD Formation Group will review and re-evaluate the City's fee/deposit requirements in light of the cost results of recent CFD formations for the purpose of recommending modifications of excessively high or low fee/deposit charges as required. The initial such review shall occur in September, 1998."

B. Paragraph 3.g.(2) on pages five and six of the Policies and Procedures is hereby amended to read as follows:

> " Where CFD is formed and bonds are issued. If the CFD is formed and bond are issued, the applicant shall be entitled to reimbursement from bond proceeds for all reasonable costs and expenses incident to the proceedings in construction of the public facilities, subject to approval of the City Attorney in conjunction with Bond Counsel, and subject to any applicable restrictions contained in the Act as amended. With respect to applicant paid consultant costs, reimbursement shall be limited to those CFD-related consultant's hired by the City or those hired by the applicant and expressly approved by the City in writing. Eligibility for reimbursement of any otherwise-eligible expense is conditioned upon the applicant providing paid invoices therefor to the City, and the CFD Formation Group's approval thereof. The applicant shall not be entitled to

reimbursement from bond proceeds for any of the following reasons: interest expense incurred by the applicant during the planning or design of construction (subject to exception for construction-related interest expense, set forth below) of the public improvements and any other costs and expenses incurred by the applicant which are not legally authorized for reimbursement, or as to which Bond Counsel has declined approval for reimbursement.

With respect to advance formation fees paid pursuant to paragraph 3.u. on page ten of the Policies and Procedures, any portion of such fee/deposit not paid out or obligated for the direct or indirect costs of CFD formation by the CFD Formation Group, shall be returned to the applicant within five (5) business days after the filing of the appropriate liens by the City Clerk following an affirmative vote by the City Council on the resolution of formation of the subject CFD."

C. Paragraph 3.g.(3) is hereby incorporated in the Policies and Procedures and shall read as follows:

" Pursuant to Government Code Section 53314.9, the City Council may enter into an agreement, by resolution, with a person or entity advancing funds or work-in-kind for any authorized purpose, including, but not limited to, paying any cost incurred by the City in creating a CFD, without interest, under all of the following conditions:

a. The reimbursement proposal is included in the resolution of intention to establish the CFD and in the resolution of formation to establish the CFD, or in the resolution of consideration adopted pursuant to Government Code Section 53334.

b. The proposed special tax or change in a special tax is approved by the qualified electors of the CFD, or in the event that the electors do not approve the proposed special tax or change in a special tax, the City shall return any funds which have not been committed for any authorized purpose at the time of the election.

c. Any work-in-kind accepted pursuant to this paragraph shall have been performed or constructed as if the work had been performed or constructed under the direction and supervision, or under the authority of, the City.

d. Any reimbursement agreement entered into pursuant to this paragraph and Government Code Section 53314.9, shall not constitute a debt or liability of the City.

The reimbursement procedure specified in Government Code Section 53314.9 and incorporated in this paragraph may be utilized both in the case where the requesting person or entity owns all of the land within a proposed CFD, and in the case in which the requesting person or entity owns less than all of the land within the proposed CFD. In the later event, consideration will be given to setting forth two (2) or more tax districts with the CFD in order to facilitate reimbursement of the person or entity which paid more that its prorata share of the formation costs from the proceeds of one time special facilities taxes paid by landowners in the tax district or districts that does/do not include the land owned by the person or entity that paid more than its prorata share of the CFD formation costs."

D. Paragraph 3.b on page five of the Policies and Procedures is hereby amended to read as follows:

" Project Review. Applicant and the CFD Formation Group may discuss the application including but not limited to further information that might be required and other issues as necessary. If necessary, the applicant may be required to submit a revised application. Once the application is accepted by the CFD Formation Group, it may be reviewed by City Finance personnel or City consultants to determine the adequacy of the proposed financing. CFD Formation Group may also forward the application to the City's engineering staff for determination that the application package is in fact both complete and practicable. Applicant and the CFD Formation Group may also conduct a face to face meeting between the applicant and the CFD Formation Group to "scope" the consultant work necessary to the formation of the CFD. However, the final authority to approve the scope of the consultant work to be performed in connection with the formation of any CFD and for the compensation of such services shall be solely within the authority of the CFD Formation Group."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

DISTRIBUTION LIST FOR CFD RESOLUTIONS:

2 - City Clerk
1 - City Attorney's Office
1 - CDD
1 - Finance
1 - Rolly Stevens
1 - Jean Adams
1 - Brian Smith
1 - Tina Rodriguez

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-187

A RESOLUTION APPROVING A LETTER AGREEMENT BETWEEN THE CITY OF MODESTO AND KPMG PEAT MARWICK TO ASSIST THE CITY'S BLUE RIBBON CITIZENS' COMMITTEE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and KPMG Peat Marwick to assist the City's Blue Ribbon Citizens' Committee be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk 5

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-188

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(527). (GREGORY DEVELOPMENT COMPANY)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Gregory Development Company on December 8, 1997, to reclassify from Medium-High Residential Zone, R-3, and Professional Office Zone, P-O, to Planned Development Zone, P-D(527), to allow a mini-warehouse storage facility, property located on the west side of Tully Road north of Standiford Avenue, described as follows:

R-3 to P-D(527)

ALL that certain real property being a portion of the southeast Quarter of the Northeast Quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the East Quarter corner of the above mentioned Section 7, with said point lying at the intersection of the centerlines of Standiford Avenue and Tully Road; thence North 01° 14' 15" West along the East line of said Section 7 and along the centerline of said Tully Road, a distance of 1024.00 feet to the TRUE POINT OF BEGINNING; thence leaving last said lines and proceeding South 88° 45' 45" West, a distance of 500.96 feet to a point on the West line of PARCEL 2 as shown on that certain map filed for record on October 17, 1978 in Book 28 of Parcel Maps at Page 6, Stanislaus County Records; thence North 00° 24' 59" West along last said line and along the West line of PARCEL 3 as shown on said Parcel Map, a distance of 252.05 feet to the Northwest corner of said PARCEL 3, with said point lying on the Southeasterly right-of-way line of the Hetch Hetchy Aqueduct; thence North 69° 19' 52" East along the line common to said PARCEL 3 and the Hetch Hetchy Aqueduct, a distance of 157.06 feet; thence South 89° 24' 23" East along the North line of said PARCEL 3, a distance of 60.00 feet; thence leaving last said line and proceeding South 00° 24' 50" East, a distance of 269.68 feet to a point on the South line of said PARCEL 3; thence North 88° 45' 45" East along last said line and its Easterly prolongation, a distance of 293.14 feet to a point on the above mentioned East line of Section 7 and the centerline of Tully Road;

thence South 01° 14' 15" East along last said line, a distance of 32.70 feet to the POINT OF BEGINNING.

Containing 1.58 acres gross, more or less.

P-O to P-D(527)

ALL that certain real property being a portion of the Southeast Quarter of the Northeast Quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the East Quarter corner of the above mentioned Section 7, with said point lying at the intersection of the centerlines of Standiford Avenue and Tully Road; thence North 01° 14' 15" West along the East line of said Section 7 and along the centerline of said Tully Road, a distance of 1056.70 feet to the Easterly prolongation of the South line of PARCEL 3 as shown on that certain map filed for record on October 17, 1978, in Book 28 of Parcel Maps at Page 6, Stanislaus County Records, and the TRUE POINT OF BEGINNING; thence South 88° 45' 45" West along said prolongation and along said South line of PARCEL 3, a distance of 293.14 feet; thence leaving last said line and proceeding North 00° 24' 50" West, a distance of 269.68 feet to a point on the North line of said PARCEL 3; thence South 89° 24' 23" East along said North line, a distance of 86.13 feet; thence leaving last said line and proceeding South 01° 14' 15" East, a distance of 122.60 feet; thence North 88° 45' 45" East, a distance of 203.18 feet to a point on the above mentioned East line of Section 7 and the centerline of Tully Road; thence South 01° 14' 15" East along last said lines, a distance of 144.30 feet to the POINT OF BEGINNING.

Containing 1.22 acres gross, more or less.

and

WHEREAS, after a public hearing held on February 23, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-18, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed planned development zone, by reason of its plot plan design is compatible with existing and potential surrounding development.

2. That the requested planned development zone for a mini-storage facility is within an area designated by the General Plan for (MU) Mixed Uses.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 14, , 1998, in the City Council Chambers, City Hall, 801 11th 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 Gregory Development Company for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-18 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3084 -C.S. on the 14th day of April , 1998, reclassifying the above-described property from Medium-High Residential Zone, R-3, and Professional Office Zone, P-O, to Planned Development Zone, P-D(527).

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

1. All development shall conform to the plot plan and floor plans titled "Site Plan, Tully Mini-Storage" as amended in red, stamped approved by the City Council on March 24, 1998.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Director. Screen landscaping shall be installed along the south side of the chain link fence which extends along the south property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

   a. Six-foot-high chain link fence with slats along the north property line adjacent to the Hetch Hetchy and Modesto Irrigation District properties and along the south line of the mini-storage facility.

   b. Eight-foot-high decorative masonry wall along the west property line of the mini-storage facility.

   c. Eight-foot-high, wrought iron fence with decorative masonry pilasters at 16 foot on centers along the Tully Road frontage, set back 67 feet from the center line of Tully Road and along the property lines contiguous to the adjacent office development.

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

5. Street dedication to provide 57 feet west of the center line of Tully Road consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

8. Trash cans shall be screened from view from any public street.

9. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection the fire access lanes and electronic security gates at both accessway entrances in accordance with Modesto

Standard Specifications, Appendix H-3, Section 1.08, and as required by the Fire Chief.

10. The mini-storage facility may be open to the public only between the hours of 7 a.m. and 10 p.m., seven days a week, unless a use permit seeking additional hours is obtained from the Board of Zoning Adjustment.

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

12. All signs shall comply with the sign requirements of the C-3 Zone.

13. Prior to the issuance of a building permit for any structure, a final parcel map and lot line adjustment shall be recorded.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(527):

The entire construction program be accomplished in one phase, construction to begin on or before February 23, 2000, and completion to be not later than February 23, 2001.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(527), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-189

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 7-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, AND PROFESSIONAL OFFICE ZONE, P-O, TO PLANNED DEVELOPMENT ZONE, P-D(527), PROPERTY LOCATED ON THE WEST SIDE OF TULLY ROAD NORTH OF STANDIFORD AVENUE TO ALLOW A MINI-WAREHOUSE STORAGE FACILITY. (GREGORY DEVELOPMENT COMPANY)

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

WHEREAS, Gregory Development Company 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 Medium-High Density Residential Zone, R-3, and Professional Office Zone, P-O, to Planned Development Zone, P-D(527), property located on the west side of Tully Road north of Standiford Avenue, in the City of Modesto ("the project"), to allow a mini-warehouse storage facility, 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, on February 2, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-6 reviewed the proposed amendment to the Zoning Map and rezone to P-D(527) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(527) project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto
Initial Study

EA NO. 98-6

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to rezone from R-3, Medium High Density Residential Zone and P-O, Professional Office Zone to P-D. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION

A. Project title:
Application of Gregory Development Co. to rezone from R-3 and P-O to P-D for a mini-warehouse storage facility property located on the west side of Tully Road north of Standiford Avenue at 3917 Tully Road

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

C. Contact person, address and phone number:
Roy A. Galli
Mid Valley Engineering
900 "H" Street, Suite G
Modesto, CA. 95354
phone (209) 526-4214

D. Project Location:
Property located on the west side of Tully Road north of Standiford Avenue.

E. Project sponsor:
Gregory Development Co.

F. General Plan Designation:
Mixed Use (MU)

G. Zoning:
P-O, Professional Office and R-3, Medium High Density Residential

H. Description of Proposed Project:
This is an application to rezone 1.58 gross acres of R-3 and 1.22 gross acres of P-O to P-D to allow development of an approximate 55,000 square foot, one-story mini-storage warehouse facility. The proposed development is located on the west side of Tully Road north of Standiford Avenue. Zoning and land uses immediately surrounding the proposed storage facility include: P-O, developed with an office building and R-1, with frontage along the Hetch Hetchy right-of-way to the north; undeveloped R-3 to the south; R-2 and P-D, with medium density residential units to the east; and R-3 to the west, developed with a mobile home park. This planned development application is accompanied by a tentative parcel map application which will divide property for the benefit of this proposed storage facility.

I. Surrounding land uses:
North - R-1 Zone, Hetch Hetchy right-of-way and P-O Zone, office building
East - R-2 and P-D developed with medium density residential uses
South - R-3, undeveloped
West - R-3, developed with mobile home park

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR
There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. **Traffic and Circulation**
Development of the proposed mini-warehouse storage facility will generate a small increase of traffic in the area. A site traffic mitigation study was not required for this development as part of this conditional use permit. Development of the proposed facility is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. **Degradation of Air Quality**
This proposed storage facility is within the urban developed area of the City of Modesto. This building addition will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**
This mini-warehouse storage facility is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of low to medium high density residential units and commercial/office uses. Because

of building walls, setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this storage facility nor will the adjacent residential neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**
The proposed storage facility is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned for P-O and R-3 uses. The requested P-D Zone will allow a mini-warehouse storage facility, subject to conditions of approval. This property is also within a Mixed Use (MU) area as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**
The proposed storage facility will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. **Increased Demand for Sanitary Sewer Services**
The proposed storage facility will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**
The proposed storage facility is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**
This proposed storage facility will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

The proposed storage facility will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

J. Increased Demand for Storm Drainage

The proposed storage facility will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

K. Increased Demand for Parks and Open Space

This proposed storage facility will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. Increased Demand for Schools

The proposed storage facility will not impact the Modesto School system, as this facility will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

M. Increased Demand for Police Services

This proposed planned development zone and resulting mini-warehouse storage facility will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. Increased Demand for Fire Services

This proposed facility will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 6 is located approximately two miles away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.

O. Generation of Solid Waste

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

P. Generation of Hazardous Materials

The storage facility will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. Landslides and Seismic Activity

The storage facility will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. Energy

This planned development zone and resulting storage facility will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed rezoning from R-3 and P-O to P-D, for a mini-storage facility development is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).

B. The proposed rezoning and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

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

Signature: _____ Date: 2/2/98

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-190

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(528). (CALIFORNIA EQUITY MANAGEMENT GROUP, INC.)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by California Equity Management Group, Inc. on January 20, 1998, to reclassify from Low Residential Zone, R-1, to Planned Development Zone, P-D(528), to allow conversion of a dwelling for a medical/dental office and addition of an off-street parking area, property located on the northwest corner of East Orangeburg Avenue and Sunrise Avenue, 1407 Sunrise Avenue, described as follows:

R-1 to P-D(528)

All that certain real property situate in a portion of the Southeast Quarter, of the Northeast Quarter of the Northwest Quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Southeast corner of the Southeast Quarter of the northwest Quarter of said Section 21, being the intersection of the centerlines of 80.00 foot wide East Orangeburg and 60.00 foot wide Sunrise Avenues; thence West, along the centerline of East Orangeburg Avenue and the north quarter quarter line of said Section 21, 165.00 feet to the East line of P-D(473) thence leaving said centerline North along the east line of P-D(473) 100.00 feet; thence leaving said east line, East a distance of 165.00 feet to the centerline of said Sunrise Avenue; thence South along said centerline, South a distance of 100.00 feet to the point of beginning.

and

WHEREAS, after a public hearing held on March 16, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-23, that rezoning of the property as

requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed planned development zone, by reason of its plot plan design is compatible with existing and potential surrounding development.

2. That the requested planned development zone for offices uses is within an area designated by the General Plan for (MU) Mixed Uses.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 14, 1998, in the City Council Chambers, City Hall, 801 11th 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 California Equity Management Group, Inc. for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-23 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3085-C.S. on the 14th day of April, 1998, reclassifying the above-described property from Low Residential Zone, R-1, to Planned Development Zone, P-D(528).

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

1. All development shall conform to the plot plan and floor plans titled "Plot Plan 1407 Sunrise Avenue" as amended in red, stamped approved by the City Council on April 14, 1998.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

   a. Six-foot-high wood fence with decorative masonry pilasters at 16 foot on centers Along the north property line adjacent to the office structure.

   b. Six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the north property line adjacent to the parking lot area.

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

5. Street dedication consistent with Standard Specifications including a five-foot dedication along Sunrise Avenue and a 20-foot corner radius at the intersection of East Orangeburg and Sunrise Avenues shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

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

7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

8. Trash cans shall be screened from view from any public street.

9. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north, substantially as shown in red on the plot plan.

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

11. All signs shall comply with the sign requirements of the P-O Zone.

12. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a planned development plot plan, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(528):

The entire construction program be accomplished in one phase, construction to begin on or before March 16, 2000, and completion to be not later than March 16, 2001.

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(528), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-191

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(528), PROPERTY LOCATED ON THE NORTHWEST CORNER OF EAST ORANGEBURG AVENUE AND SUNRISE AVENUE, 1407 SUNRISE AVENUE TO ALLOW A MEDICAL/DENTAL OFFICE AND ADDITION OF AN OFF-STREET PARKING AREA. (CALIFORNIA EQUITY MANAGEMENT GROUP, INC.)

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

WHEREAS, California Equity Management Group, Inc. has proposed that the zoning designation for the property located on the northwest corner of East Orangeburg Avenue and Sunrise Avenue, 1407 Sunrise Avenue, be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(528), in the City of Modesto ("the project"), to allow conversion of a dwelling for a medical/dental office and addition of an off-street parking area, 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, on February 25, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-10 reviewed the proposed amendment to the Zoning Map and rezone to P-D(528) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(528) project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto
Initial Study

EA NO. 98-10

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to rezone from R-1, Low Density Residential Zone to P-D, Planned Development Zone. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION

A. Project title:
Application of California Equity Management Group, Inc. to Rezone From R-1 to P-D to Allow Conversion of a Dwelling for a Medical/Dental Office and Addition of an Off-Street Parking Area, Property Located on the Northwest Corner of East Orangeburg and Sunrise Avenues

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

C. Contact person, address and phone number:
Andrew Katakis
P.O. Box 1747
Modesto, CA. 95353
phone (209) 549-9249

D. Project Location:
Property located on the northwest corner of East Orangeburg and Sunrise Avenues

E. Project sponsor:
California Equity Management Group, Inc.

F. General Plan Designation:
Mixed Use (MU)

G. Zoning:
existing R-1

H. Description of Proposed Project:
The property proposed to be rezoned to planned development for office

use is located within the East McHenry Neighborhood. In 1990 an amendment to the zoning and development policy for this neighborhood was recommended by Commission and adopted by Council. That amendment designated portions of this neighborhood, including the area to be rezoned, as having potential for professional office use. Subsequently, the General Plan was amended to also designate this area as (MU) for mixed use development. The rezoning from R-1 to P-D will allow conversion of a 1570 square foot, one-story dwelling for a medical/dental office use and addition of an 8-spaces parking area on a 8100 square foot lot located at the northwest corner of East Orangeburg and Sunrise Avenues. Immediately surrounding land uses include: residential dwellings to the north, school facilities to the east, professional office building to the west, and medical offices and residential dwellings to the south.

I. Surrounding land uses:
see (H. above)

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. **Traffic and Circulation**

Development of the proposed planned development zone and resulting professional office use will generate a small increase of traffic in the area. A site traffic mitigation study was not required for this development as part of this rezoning. Development of the proposed office use is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. **Degradation of Air Quality**

This proposed rezoning and office use is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**

The proposed planned development zone and office use is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of residential, professional office, and a commercial use. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this office use, nor will the adjacent

residential neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**
The proposed planned development zone and office use is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned for R-1 uses. The requested P-D Zone will allow conversion of a residential structure for professional office use, subject to conditions of approval. This property is also within a Mixed Use (MU) area as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**
The proposed planned development zone and office use will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. **Increased Demand for Sanitary Sewer Services**
The proposed planned development zone and office use will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**
The proposed planned development zone and office use is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**
This proposed planned development zone and office use will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. **Drainage, Flooding and Water Quality**
The proposed planned development zone and office use will not present any new impacts that have not already been addressed in the MEIR. The mitigation

measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

J. **Increased Demand for Storm Drainage**
The proposed planned development zone and office use will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

K. **Increased Demand for Parks and Open Space**
This proposed planned development zone and office use will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. **Increased Demand for Schools**
The proposed planned development zone and office use will not impact the Modesto School system, as this facility will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

M. **Increased Demand for Police Services**
This proposed planned development zone and office use will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore still valid.

N. **Increased Demand for Fire Services**
This proposed planned development zone and office use will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 5 is located approximately three quarters of a mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.

O. **Generation of Solid Waste**
This proposed planned development zone and office use will not cause the generation of solid waste beyond that which is identified in the MEIR. The

Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10), are therefore still valid.

P. **Generation of Hazardous Materials**
The planned development zone and office use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. **Landslides and Seismic Activity**
The planned development zone and office use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. **Energy**
This planned development zone and office use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed rezoning from R-1 to P-D for a professional office development is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).

B. The proposed rezoning and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

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

Signature: _____ Date: 2/25/98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-192

Print

A RESOLUTION ACCEPTING THE BID OF K & D ENTERPRISES, INC. FOR THE HIGHWAY VILLAGE SIDEWALKS PROJECT FOR $69,816

WHEREAS, bids received for the Highway Village sidewalks project were opened at 11:00 a.m. on March 11, 1998, and later tabulated by the Public Works and Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works and Transportation Director has recommended that the bid of K & D Enter prises, Inc. for $69,816 be accepted as the lowest responsible bid; and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-193

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $18,000.00 TO FULLY FUND THE HIGHWAY VILLAGE SIDEWALK PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM:	CIP Street Paving (113 480 J239 6040)	$18,000
TO:	Highway Village (628 480 E577 6040)	$18,000

Additional funding is required because bids were higher than the Engineer's Estimate. The higher bids are attributed to contractor uncertainty of the difficulty of installing root barriers behind the sidewalks and to inflating construction costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-194

A RESOLUTION REJECTING BIDS RECEIVED FOR THE BUILDING PERMIT/LAND USE SOFTWARE

WHEREAS, Resolution No. 97-573, adopted by the Council of the City of Modesto on October 14, 1997, authorized the call for bids for the purchase of Building Permit Land Use Software; and

WHEREAS, the bids received for the purchase of one flap gate check valve were opened at 11:00 a.m. on November 10, 1997, and staff recommends rejecting the bids.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bids received for the purchase of the Building Permit/Land Use Software are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-195

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF BUILDING PERMIT/LAND USE SOFTWARE FROM TIDEMARK COMPUTER SYSTEMS FOR A TOTAL COST OF $144,813.00

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase and installation of Building Permit/Land Use Software are hereby waived.

BE IT FURTHER RESOLVED that the purchase and installation of an Building Permit/Land Use Software from Tidemark Computers Systems for $144,813.00, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-196

Print

A RESOLUTION APPROVING AN AGREEMENT WITH STORER TRANSIT SYSTEMS TO OPERATE MODESTO AREA DIAL-A-RIDE COMMENCING JUNE 13, 1998, AND TERMINATING JUNE 13, 2003, AND EXTENDING THE CURRENT CONTRACT THROUGH JUNE 12, 1998

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Storer Transit Systems to operate Modesto Area Dial-A-Ride commencing June 13, 1998, and terminating June 13, 2003, and extend the current ccontract through June 12, 1998, be, and is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-197

A RESOLUTION APPROVING AN AGREEMENT WITH THOMAS E. AND SUE A. CHAFFEE FOR THE ACQUISITION OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Thomas E. and Sue A. Chaffee for the acquisition of right of way needed for the Carpenter Road widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-198

A RESOLUTION APPROVING AN AGREEMENT WITH THOMPSON FAMILY TRUST FOR THE ACQUISITION OF PROPERTY NEEDED FOR THE NEW WOODLAND NEIGHBORHOOD PARK SITE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Thompson Family Trust for the acquisition of property needed for the new Woodland Neighborhood Park Site be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-199

A RESOLUTION APPROVING AN AGREEMENT WITH JESSE F. AND ROSEMARIE YOUNG FOR THE ACQUISITION OF PROPERTY NEEDED FOR THE NEW WOODLAND NEIGHBORHOOD PARK SITE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Jesse F. and Rosemarie Young for the acquisition of property needed for the new Woodland Neighborhood Park Site be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-200

Print

A RESOLUTION APPROVING THE STANISLAUS COUNTY SHERIFF'S AERO SQUADRON'S REQUEST TO USE THE MODESTO CITY-COUNTY AIRPORT ON MAY 9, 1998, FOR THEIR FOURTH ANNUAL MODESTO AIRPORT DAY.

WHEREAS, the Stanislaus County Sheriff's Aero Squadron has requested the City's permission to host an Annual Airport Appreciation Day on May 9, 1998, and

WHEREAS, the format for the event consists of aircraft and classic car static displays, airplane rides, food, and informational booths, including aerial demonstrations as more specifically mentioned in a memo to the Council dated April 3, 1998, from the Engineering and Transportation Department, Airport Division, a copy of which is attached hereto and incorporated herein by reference, and

WHEREAS, the Airport Advisory Committee and the Transportation Policy Committee support the promotion of the open house event,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Stanislaus County Sheriff's Aero Squadron's request to use the Modesto City-County Airport on May 9, 1998, for their Fourth Annual Modesto Airport Day is hereby approved, subject to the following conditions:

1. That air shows shall be between airline flights scheduled on May 9, 1998.

2. That Modesto airspace shall be closed by issuance of a Notice to Airmen.

3. That a waiver from the FAA required for air shows shall be obtained.

4. That an insurance certificate in the amount of $1,000,000, naming the City of Modesto as an additional insured, shall be submitted to the City for approval by the City of Modesto's Risk Manager prior to the May 9, 1998, event.

5. That companies providing airplane rides are required to provide an insurance certificate in the amount of $1,000,000 each, and said certificates shall be submitted to the City for approval by the City of Modesto's Risk Manager prior to the May 9, 1998, event.

6. That an insurance certificate is required for the ground events and shall be submitted to the City for approval by the City of Modesto's Risk Manager prior to the May 9, 1998, event, in an amount acceptable to the Risk Manager.

7. In the event that the FAA fails to approve and issue the required waiver, the Air Show shall be canceled and the Airport Manager shall be responsible for so advising the Sheriff's Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NO. COUNCIL MEETING: 4/14/98

April 3, 1998

TO: City Council

FROM: Engineering and Transportation - Airport

SUBJECT: Stanislaus County Sheriff's Aero Squadron's Fourth Annual Modesto Airport Day

RECOMMENDED ACTION:

Approve by motion, the Stanislaus County Sheriff's Aero Squadron's request to use Modesto City-County Airport on May 9, 1998, for their fourth annual airport appreciation day.

BACKGROUND:

The Stanislaus County Sheriff's Aero Squadron is requesting the City's permission to host an annual airport appreciation day. The event was first held three years ago, and has become a popular fund raiser that provides operation funds for the unit. Squadron members are planning to host their annual event on May 9, 1998. The format for each of the previous year's events consisted of aircraft and classic car static displays, airplane rides, a breakfast and lunch served by members of the Aero Squadron, and informational booths. Unlike previous events, the Aero Squadron wishes to expand the schedule of events for the day, and plans to include a couple of short aerial demonstrations.

The squadron is arranging to have Steve Stavrakakis, a renowned air show performer, conduct the aerial performances. The air shows will be between airline flights scheduled that day, and the Modesto airspace will be closed by issuance of a Notice to Airmen (NOTAM). In a letter dated March 30, 1998, Herman Meyer, commander of the Aero Squadron, stated that Mr. Stavrakakis would obtain a waiver from the FAA required for air shows. He will be required to carry an insurance certificate in the amount of $1,000,000 naming the City of Modesto as an additional insured. Companies providing airplane rides will also be required to provide an insurance certificate in the amount of $1,000,000. The Aero Squadron has provided the City with an insurance certificate for the ground events.

This year's lineup includes an air show, airplane rides, radio controlled aircraft demonstrations, aircraft and classic car displays, information booths, and the popular breakfast and lunch. Security for the event will be provided by the Sheriff's Department Star Group and reserve officers, or the law enforcement explorer post.

The event has been discussed with the City's Risk Manager, and he is in agreement with the plans for the scheduled event.

REASON FOR RECOMMENDED ACTION:

Previous events have raised needed funds for the Sheriff's Aero Squadron. The Airport Advisory Committee and the Transportation Policy Committee support the promotion of the open house event.

IMPACT:

No financial impact to the City is anticipated.

STEPS FOLLOWING APPROVAL:

1. Airport Manager will notify the Sheriff's Aero Squadron of the Council's decision.

2. Airport Manager will forward copies of all air service providers' insurance certificates to the Risk Manager.

3. Airport Manager will inform the Sheriff's Department of the need to cancel the air show if the FAA fails to approve and issue the necessary waiver (permit).

4. Airport Manager will attend the event and monitor airfield operations.

Prepared By: _____
Howard Cook, Airport Manager

Recommended By: _____
Van Switzer, Deputy Director
Engineering & Transportation

Submitted By: _____
J. Edward Tewes, City Manager

Attachment

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-201

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO TRANSFER $21,000 FROM CONTINGENCY RESERVES AND ESTABLISH AN ACCOUNT TO PURCHASE HARDWARE AND SOFTWARE ITEMS

WHEREAS, the Quadrant Cashiering System was purchased in November 1994 and within the past three years, the City has continued to accept payments in additional locations to better serve customers; and

WHEREAS, at this time staff needs to purchase three additional copies of the system by transferring $21,000 from a variety of reserve funds to obtain this goal.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated on Attachment A:

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa and Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

ATTACHMENT A

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget ($)	Adjustment Amount ($)	Revised Budget ($)
Appropriation	Contingency Reserve	610	800	8000	8003	61H	6,525,906	(7,140)	6,518,766
Appropriation	Transfer out to 010	610	700	7000	7010	61G	1,490,600	7,140	1,497,740
Revenue	Transfer in from 610	010	700	7000	9610	na	1,490,600	7,140	1,497,740
Appropriation	Contingency Reserve	615	800	8000	8003	85H	6,278,597	(3,360)	6,275,237
Appropriation	Transfer out to 010	615	700	7000	7010	85G	0	3,360	3,360
Revenue	Transfer in from 615	010	700	7000	9615	na	0	3,360	3,360
Appropriation	Contingency Reserve	616	800	8000	8003	86H	518,348	(420)	517,928
Appropriation	Transfer out to 010	616	700	7000	7010	86I	0	420	420
Revenue	Transfer in from 616	010	700	7000	9616	na	0	420	420
Appropriation	Contingency Reserve	621	800	8000	8003	62H	10,598,883	(7,980)	10,590,903
Appropriation	Transfer out to 010	621	700	7000	7010	62G	1,856,752	7,980	1,864,732
Revenue	Transfer in from 621	010	700	7000	9621	na	1,856,752	7,980	1,864,732
Appropriation	Contingency Reserve	628	800	8000	8003	68H	280,544	(2,100)	278,444
Appropriation	Transfer out to 010	628	700	7000	7010	68G	0	2,100	2,100
Revenue	Transfer in from 628	010	700	7000	9628	na	0	2,100	2,100
Appropriation	Cashiering Hardware & Softw	010	120	1221	5415	12J	0	21,000	21,000

MODESTO CITY COUNCIL
RESOLUTION NO. 98-202

Print

A RESOLUTION ESTABLISHING NEW CASH- ON-HAND ACCOUNTS AND AUTHORIZING AN INCREASE IN THE AMOUNTS OF THE CITY'S CASH ON HAND IN VARIOUS DEPARTMENTS.

WHEREAS, the Cash on Hand Account includes cash boxes used for the purpose of making change for customers making payments in various City Departments and for petty cash reimbursement to employees for spontaneous out-of-pocket business expenses, and

WHEREAS, City staff has reviewed the need to establish new Cash-on-Hand Accounts in various Departments and has proposed increasing the amounts in existing accounts, as set forth on Exhibit "A" attached hereto, due to customer needs, which results in a total increase of funds in the amount of $1,150.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the establishment of new Cash-on-Hand Accounts and increasing the amounts in existing accounts are hereby approved as set forth on Exhibit "A" attached hereto. Said action results in a total increase of funds in the amount of $1,150.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, and Dobbs, Mayor Pro Tempore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

The following illustrates the present and proposed Petty Cash distribution:

FUND	AGENCY/AREA	PURPOSE	PRESENT	PROPOSED
General	Police Investigation	Investigations	$1,400	$1,400
General	**Police Cash Drawers**	**2 @ $100 ea**	**100**	**200**
General	Police petty cash	Petty cash	40	40
General	**City Attorney**	**Petty cash**	**0**	**150**
General	**Finance Cash Drawers**	**6 @ $100 ea**	**500**	**600**
General	Finance	Change reserve	250	250
General	**Customer Svc Division**	**Petty cash**	**600**	**1,000**
General	City Hall at the Mall	2 @ $100 ea	200	200
General	**City Hall at the Mall**	**Change drawer**	**100**	**300**
General	City Clerk	Change drawer	50	50
General	E & T Admin.	Change drawer	20	20
General	CSNC Kennedy Center	Change drawer	50	50
General	CDD Building Inspection	Cash drawer	200	200
General	CDD County water/sewer	Cash drawer	200	200
General	CSNC Roosevelt Jr. High	Change drawer/classes	20	20
General	CSNC Admin. Cash Drawers	2 @ $100 ea	200	200
Sewer	**Composting**	**1 @ $100 ea**	**0**	**100**
Parking	O & M 11th St Pkg Garage	Garage change drawer	80	80
Transit	E & T/Transit	Bus change drawer	152	152
Ctr Plaza	Plaza Box Office	Cash drawer	100	100
Ctr Plaza	Plaza Hearing Devices	Change drawer	50	50
Ctr Plaza	**Plaza Parking garage**	**Cash drawers/change**	**400**	**500**
SDEA	Stan. Drug Enf. Agency	Change drawer	50	50
	TOTALS		$4,762	$5,912

MODESTO CITY COUNCIL
RESOLUTION NO. 98-203

Print

A RESOLUTION AFFIRMING THE CITY'S CO-SPONSORSHIP OF "EARTH DAY INTHE PARK 1998" AT GRACEADA PARK AND ALLOWING THE SALE OF MERCHANDISE IN THE PARK DURING THE EVENT.

WHEREAS, in 1970, Earth Day was established to make the public aware of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, by Resolution No. 92-129, adopted March 24, 1992, the City Council acknowledged "Earth Day in the Park" as an annual event, and

WHEREAS, the Citizens' Advisory Committee on Recycling (CACOR) sponsors the event, and the 9th Annual "Earth Day in the Park" will be held on Saturday, April 25, 1998, at Graceada Park, and

WHEREAS, Earth Day in the Park 1997 drew over 40 vendors and an estimated 2,500 residents, and

WHEREAS, because the CACOR is an advisory committee to the City Council, the group's ability to obtain event liability coverage is restricted, and City co-sponsorship of the event will allow provision of automatic coverage under the umbrella of the City's existing insurance policy, and

WHEREAS, the City's Risk Manager has assessed the scope of the event and determined it to be of minimal exposure to the City, and

WHEREAS, as in prior year's events, the Committee seeks Council approval for the sale of merchandise in the Park during the event, and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-204

Print

A RESOLUTION APPROVING AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY AND STANISLAUS COUNTY TO AUTHORIZE AN EXTENSION FOR DISBURSEMENT OF FUNDS HELD IN THE AB 939-SOURCE REDUCTION AND RECYCLING ACCOUNT.

WHEREAS, pursuant to a Memorandum of Understanding ("MOU") between the City of Modesto ("City") and the County of Stanislaus ("County"), which was executed on August 25, 1994, the City's proportional share of funds from the AB 939-Source Reduction and Recycling Account are disbursed to the City on an ongoing, quarterly basis for waste diversion programs, and

WHEREAS, in June, 1997, the City executed an Amendment to the MOU with the County to allocate a portion of the fees to cover the cost of preparing quarterly "Disposal-based" reports for City, and

WHEREAS, said reports provide the basis for the City's Annual Report to the State on attainment of the mandated reduction in disposal, and the City's portion of the costs of preparing the quarterly reports is $7,500.00, and

WHEREAS, AB 939 Plans have been completed and are in the implementation phase, and the Public Resources Code allows the ongoing collection of solid waste fees for solid waste diversion program implementation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Amendment to the Memorandum of Understanding ("MOU") between the City of Modesto and the County of Stanislaus is hereby approved to authorize an extension for disbursement of funds held in the AB 939-Source Reduction and Recycling Account, and the City Manager or his authorized designee is hereby authorized to execute said Amendment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, and Dobbs, Mayor Pro Tempore
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-205

A RESOLUTION APPOINTING SCOTT HALLMON TO THE AFFIRMATIVE ACTION COMMISSION

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

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

SECTION 1. Scott Hallmon is hereby appointed to the Affirmative Action Commission, terms to expire January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Affirmative Action Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-206

Print

A RESOLUTION APPOINTING PATRICK PHILLIPS TO THE GOLF COURSE ADVISORY COMMITTEE TO FILL THE SEAT SPECIFIED FOR A HIGH SCHOOL STUDENT

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

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

SECTION 1. Patrick Phillips is hereby appointed to the Golf Course Advisory Committee to fill the seat specified for a high school student, term to expire on January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member 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 14th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-207

A RESOLUTION APPOINTING THOM TORVEND TO THE LANDMARK PRESERVATION COMMISSION

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

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

SECTION 1. Thom Thorvend is hereby appointed to the Landmark Preservation Commission, term to expire January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Landmark Preservation Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-208

A RESOLUTION APPOINTING CAROL LANCASTER MINGUS TO THE LOCAL CABLE PROGRAMMING COMMITTEE

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

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

SECTION 1. Carol Lancaster Mingus is hereby appointed to the Local Cable Programming Committee, term to expire January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Local Cable Programming Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Pro Tempore Dobbs
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-209

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY BY SEALED BID, PUBLIC AUCTION OR SCRAP.

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

WHEREAS, the City possesses twenty-six (26) vehicles, six (6) miscellaneous pieces of equipment, and four (4) motorcycles which have been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, July 4, 1998, at their facility located at 824 W. Kiernan Avenue, and

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

WHEREAS, a list of those items to be sold is on file in the office of the City Clerk,

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

SECTION 1. The City Manager or his authorized representative are hereby authorized and directed to sell on a sealed bid basis to the highest bidder the twenty-six (26)

vehicles, six (6) miscellaneous pieces of equipment, and four (4) motorcycles, which are set forth on the list on file in the City Clerk's office and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in *The Modesto Bee*, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process nor the public auction process, then said property may be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-210

Print

A RESOLUTION CERTIFYING FINAL MASTER ENVIRONMENTAL IMPACT REPORT FOR THE LAND APPLICATION OF CLASS A EXCEPTIONAL QUALITY BIOSOLIDS FOR REGIONAL WATER QUALITY CONTROL BOARD USE IN CONJUNCTION WITH THE ISSUANCE OF WASTE DISCHARGE REQUIREMENTS.

WHEREAS, the Final Master Environmental Impact Report for the land application of Class A exceptional quality biosolids, State Clearing House No. 97042059, dated March 19, 1998, (hereinafter "Report"), has been prepared as a Master Environmental Impact Report (MEIR), which may be prepared for a project that consists of smaller individual projects which will be carried out in phases or for other reasons specified in Public Resources Code section 21157(a), and

WHEREAS, consistent with Public Resources Code section 21126, it is the intent of the MEIR to "evaluate the cumulative impacts, growth-inducing impacts and irreversible significant effects on the environment of subsequent projects to the greatest extent feasible.", the MEIR is intended to provide for streamlined environmental review of "subjacent projects" consistent with the criteria for the proposed land application of Class A EQ biosolids to the extent that project impacts have been reviewed in the Report and appropriate mitigation measures set forth therein, and

WHEREAS, the City anticipates that as a Responsible Agency, the Central Valley Regional Water Quality Control Board (CVRWQCB) may use this MEIR in approving waste discharge requirements, or a waiver thereof, in appropriate cases, and

WHEREAS, the City believes that this MEIR provides useful information which could be used by local and state agencies both within and without the Central Valley, and in particular the jurisdiction of the Central Valley Regional Water Quality Control Board, in order to comply with CEQA, and

WHEREAS, such other local and state agencies, including the RWQCB may appropriately utilize this MEIR, where practical and consistent with CEQA and CEQA Guidelines, as part of their own CEQA documentation, and

WHEREAS, the City of Modesto anticipates applying for waste discharge requirements, or a waiver thereof, from the CVRWQCB to land apply biosolids, and

WHEREAS, the City will also make biosolids available for application in counties other than Stanislaus, and

WHEREAS, potential appliers of the Class A EQ biosolid material would be covered by the City of Modesto's waste discharge requirements or waiver if they are located within the Central Valley region, and

WHEREAS, the CVRWQCB may wish to utilize this MEIR to meet the requirements of CEQA for waste discharge requirements, and to meet the concerns of the State Water Resources Control Board related to the land application of biosolids as described in its Order No. WQ96-08, and

WHEREAS, it is desirable to ensure an effective or coordinated approach to the safe management of biosolids generated within the state, and to guide the design and implementation of local integrated waste management plans, and

WHEREAS, it is desirable to ensure compliance with the biosolids management requirements identified in the City of Modesto Water Quality Control Facility National Pollutant Discharge Elimination System (NPDES Permit No. CA0079103) (WDR Order No. 94-129), and

WHEREAS, the City of Modesto intends to adopt all of the mitigation measures or conditions set forth below and known to mitigate or avoid environmental effects as part of its land application of Class A EQ biosolids program,

NOW, THEREFORE, the Council of the City of Modesto does hereby find as follows:

1. That the City of Modesto has been practicing land application of biosolids on its own and other privately held land safely and efficiently for forty (40) years.

2. That the management of biosolids from the City's wastewater processing facilities was identified in Modesto's Wastewater Master Plan as an integral component of an overall strategy to increase the capacity and efficiency of the existing wastewater treatment system.

3. That the Central Valley Regional Water Quality Control Board attempted to address the permitting requirements for biosolids applications on a statewide basis by a general order which would allow applications to comply with general conditions in lieu of an individual permit.

4. The Central Valley Regional Water Quality Control Board adopted and approved a resolution waiving waste discharge requirements for the reuse of Exceptional Quality Wastewater Treatment Plant biosolids as fertilizer and soil amendment. However, on review, the State Water Resources Control Board determined that the Regional Water Quality Control Board should have prepared an EIR in respect of the general order.

5. In light of the foregoing, the Central Valley Regional Water Quality Control Board cannot currently waive biosolids permitting requirements by general order, however, application of Class A Exceptional Quality biosolids may be waived from permitting requirements where supported by environmental analysis.

6. In recognition of the above-referenced facts, and to the extent that this MEIR addresses physical environmental conditions which exist in various parts of California, other public regulatory agencies may assume the role of a "Responsible Agency", as defined in Section 15096 of the Public Resources Code. In these instances, the Responsible Agency would have responsibility for "mitigating or avoiding only the direct or indirect effects of those parts of the project which it decides to carry out, finance, or approve."

7. The land application of Class A Exceptional Quality biosolids is regulated by federal laws enforced by the United States Environmental Protection Agency (Clean Water Act and Title 40, Part 503, et seq., of the Code of Federal Regulations), by state law and regulations enforced by the CVRWQCB (Porter-Cologne Act, waste discharge requirements), and sometimes by local ordinances.

8. The MEIR evaluates the potential environmental impacts of land application of Class A EQ biosolods from the City of Modesto Wastewater Treatment Plant. As provided in Section 21158(a) of the CEQA, the MEIR analyzes the significant environmental effects of the project not addressed in either the City's General Plan MEIR or the City's Wastewater Master Plan EIR.

9. The Notice Of Preparation (NOP) and Initial Study was circulated for public review for thirty (30) days, from April 18th to May 19, 1997. A previous NOP was circulated on July 31, 1996, and a previous Draft EIR was circulated November 25, 1996. Information received in response to the 1996 Draft has been included in the MEIR.

10. Based on the research conducted by the City and its consultants, and that provided by commentators to the NOP, the City has found substantial evidence to support the fact that land application of Class A Exceptional Quality biosolids presents no significant risk to human health or the environment. The MEIR concludes that implementation of this project would not cause significant environmental impacts for most disciplines.

11. Where necessary, the City has proposed monitoring and analysis to ensure that biosolids applied comply with the definitions of Class A Exceptional Quality, and therefore do not cause significant adverse effects on the environment.

12. Federal and state regulations, in particular those promulgated under Title 40, Part 503 of the Code of Federal Regulations, establish requirements that land application of biosolids which meet the definition of "Class A Exceptional Quality", would not significantly endanger the environment or pose a risk to human health.

13. There are no environmental impacts of the project that are significant but whose mitigation falls outside the jurisdiction of the City of Modesto for the reason that all of the project impacts fall within the jurisdiction of the City of Modesto. However, where other agencies make use of the MEIR, the power to undertake the within mitigation measures would necessarily be within their own jurisdiction.

14. That there are no environmental impacts of the project that are significant and not mitigable.

15. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR:

    a. Biosolids containing excess metals or pathogens as defined by EPA may impact productive agricultural lands, creating conditions toxic to plants and animals, or humans that consume them. (Impact No. 1)

    b. Biosolids containing excess metals or pathogens as defined by the California Integrated Waste Management Board may impact productive agricultural lands because biosolids not meeting Class A EQ standards, containing elevated concentrations of heavy metals or pathogens above those promulgated by the board could cause loss of productive agricultural lands by creating conditions toxic to plants and livestock, or humans that consume them. (Impact No. 2)

    c. Land application of biosolids containing elevated concentrations of heavy metals or pathogens, in excess of those evaluated by the EPA Risk Assessment, could result in exposure to hazardous materials or pathogens, and greater risk of adverse health effects than to which the general population is currently exposed. (Impact No. 8)

d. Land application of biosolids containing elevated concentrations of heavy metals or pathogens, in excess of those evaluated and promulgated by the Integrated Waste Management Board, could result in exposure to hazardous materials or pathogens and greater risk of adverse health effects than to which the general population is currently exposed. (Impact No. 9)

16. The mitigation of the above-referenced impacts will be achieved as follows: Through self-monitoring programs, the primary responsibility for implementing a testing and monitoring process will rest with the City of Modesto and the US Environmental Protection Agency. This measure will effectively mitigate Impacts No. 1, 2, 8, and 9 above. In essence, the City will avoid land application of biosolids containing elevated concentrations of heavy metals by doing the following: Applying the established practices and methods for processing and treatment described in the 40 C.F.R. 503 regulations. See page 6-55 of the MEIR. The City will also apply the methods described in Title 22, California Code of Regulations, Title 14, Chapter 3.1, entitled Composting Operations, Regulatory Requirements that pertain to the processing and distribution of compost that contains biosolids. See MEIR Table II-2 (page XI-55). See also page XI-167 of the MEIR. Biosolids that exceed standards for Class A Exceptional Quality biosolids will not be distributed until such time as the appropriate criteria can be met.

17. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR:

a. Land application of biosolids not meeting Class A EQ standards containing elevated concentrations of PCBs, pesticides, radioactivity, volatile and semivolatile compounds, or priority pollutant metals or radioactivity could potentially cause harm or toxicity to crops or livestock where the material is applied. (Impact No. 3).

b. Land application of biosolids containing materials described in subparagraph a. above could potentially expose the general population to greater risk of adverse health effects than to which the population is currently exposed. Impact No. 11).

18. The mitigation of the above-referenced impacts will be achieved as

follows: The City will avoid land application of biosolids containing elevated concentrations of the materials described in paragraphs 17 a. and b. above by means of the procedure set forth in paragraph 16 above. In addition, the City shall prepare a study of these hazardous compounds and incorporate the results into the continuing biosolids program. In the event the results of the study show elevated concentrations as defined in Title 22 of any such compound, the biosolids will not be distributed until they can meet these criteria. In addition, the sampling frequency will be biannual for a period of two (2) years (for samples). If after two (2) years of analyzing for the above-referenced hazardous compounds, or priority pollutant metals, the City can demonstrate to the satisfaction of the City Council and US EPA that these constituents are absent or below applicable standards, the City may suspend further testing of any constituent not specified in an otherwise required program. The hazardous compound analyses program shall be reinstituted at any time that either the feed stock or treatment and processing methods are substantially changed. (See page VI-55 of the MEIR).

19. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR:

    a. Failure to fully understand the source and constituents present in biosolids by individuals applying biosolids may result in loss of productive agricultural land through application to inappropriate crops or locations.

    b. Land application of biosolids in excess of reasonable practices or to inappropriate crops, could result in exposing the applicator or general public to an excess of hazardous constituents and biosolids. (Impacts No. 4 and 12).

20. The mitigation of the above-referenced impacts will be achieved as follows: The City will avoid inadvertent land application of Class A EQ biosolids to inappropriate lands and/or crops by providing both the labeling information required by Food and Agriculture Code section 14501, and supplemental notification material at the point of purchase or distribution. Such notification will include facts and statements intended to provide the purchaser with information necessary for the safe and legal application of th material. The notification will include the information in Table II-3 (See page VI-56 of this MEIR). See also Table II-3 (page VI-

168 of the MEIR).

21. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR: Land application of biosolids to wetlands, sloughs, waters of the U.S. or jurisdictional wetlands including vernal pools, could cause a change in ecological conditions adversely affecting native species adapted to those environments and could also adversely effect in stream or downstream beneficial uses. (Impacts No. 5 and 6)

22. The City will avoid impacts of biosolids being applied to wetlands that are sensitive plant and wildlife habitats by including the following statements in the supplemental notification material provided with distributed biosolids:

    a. The Clean Water Act, Section 404 prohibits the filling, including application of biosolids, to jurisdictional wetlands, including vernal pools and waters of the U.S.

    b. The California Fish and Game Code, Section 5650 states: It is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of the state, any substance deleterious to fish, plant life or bird life. Some constituents present in biosolids, could, if discharged in high concentrations, be deleterious to fish, plant or bird life. (See page VI-82 and page VI-110 of the MEIR).

23. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR: Land application of biosolids at rates exceeding the nutritional needs of the crop (particularly for nitrogen) could cause overapplications resulting in excess nitrogen being washed to surface waters or leached to ground water. (Impact No. 7) .

24. The City will avoid excessive land application of nitrogen from biosolids by providing labeling information consistent with the Food and Agriculture Code, Part 14501, et seq., Fertilizing materials as they pertain to labeling and distribution of agricultural products derived from biosolids. (See page VI-110 of the MEIR).

25. Pursuant to the California Environmental Quality Act Guidelines, Guideline 15091(a)(1), certain changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the following significant environmental effect(s) as identified in this MEIR: Land application of composted biosolids containing elevated concentrations of fecal, coliform or salmonella bacteria could also contain pathogens that would expose people to health risks from infection. Elevated concentrations for these purposes are defined as greater than one thousand Most Probable Number per gram of total solids (dry weight) or greater than 3 Most Probable Number per 4 grams of total solids (dry weight). (Impact No. 10).

26. The City will avoid land application of biosolids containing elevated concentrations of pathogens by applying the established practices and methods for processing and treatment described in federal and state regulations described in 40 C.F.R. 503 and Title 14, Chapter 3.1. In the event samples of the biosolids product exceed either the standard for fecal, coliform or salmonella, the biosolids will not be distributed until such time as it can be demonstrated to meet these criteria. The sampling frequency will be the same as required for Title 14, monitoring described above (see page VI-167 of this MEIR). If, after two years of sampling for both fecal, coliform and salmonella, the City can demonstrate to the satisfaction of the City Council and to US EPA that the results are equivalent for either test, the City may choose to meet either the fecal,. coliform or salmonella standard as specified in 40 C.F.R. 503.32(a)(listed in Table IV-1 of this MEIR, and page VI-167 of this MEIR).

27. The custodian of all records pertaining to the above-referenced mitigation measures and with respect to the environmental findings herein shall be the Director or Acting Director of the City department charged with operating the City's wastewater treatment facilities.

28. Each of the above-referenced mitigation and monitoring practices shall be implemented and operational prior to the sale or use of any City biosolids for land application. The department head, or the acting department head, of the City department charged with operation of the City's wastewater treatment facilities shall henceforth have the duty to ensure that such monitoring and other procedures as specified in these findings are both carried out and adhered to by City personnel. In the event that the aforementioned department head should find that any of these measures have not been implemented, have not or are not being followed as described herein, or if, for some other reason, the intent of any of these

mitigation measures has been, in the Director's good faith judgment, thwarted by any change of circumstance, dereliction, or otherwise, it shall be the duty of that department head to cause the land application of City biosolids to cease forthwith. Such cessation to continue until it is shown to the satisfaction of the department head that any of the above-referenced mitigation measures which have been questioned and found to have been insufficiently implemented or otherwise ineffective by the department head shall have been found by him/her to have been properly remedied to the extent that their purpose of mitigating the substantial impacts described above and in the MEIR will be met.

29. Now, therefore, the City Council hereby certifies the MEIR for the purpose of submission by City staff to the CVRWQCB with the request that the CVRWQCB act as the responsible agency for subsequent regulatory actions regarding Modesto's biosolids and also certifies the MEIR for the purpose of allowing land application of biosolids, having confirmed that the final MEIR has been completed in compliance with CEQA (14 C.C.R. §15090); that the final MEIR reflects the City's independent judgment (P.R.C. § 21082.1(c)(3), and that it has reviewed and considered the information in the Final MEIR before approving the

project and certifying the Final MEIR for the above purposes. (14 C.C.R. § 18090).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By R. Steven Asst
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-211

Print

A RESOLUTION DIRECTING CITY STAFF TO SUBMIT THE MASTER EIR FOR LAND APPLICATION OF CLASS A EQ BIOSOLIDS TO THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (CVRWQCB), AND REQUESTING THE CVRWQCB TO ACT AS THE RESPONSIBLE AGENCY FOR SUBSEQUENT REGULATORY ACTIONS REGARDING MODESTO'S BIOSOLIDS.

WHEREAS, the City of Modesto has been safely reusing its treated sewage sludge, now commonly known as biosolids, on private lands and on City-owned parks and ranch lands for the last 40 years, and

WHEREAS, in 1993, the EPA promulgated new regulations to provide additional safeguards and controls on the land application of biosolids under 40 Code of Federal Regulations Part 503, and

WHEREAS, in 1994, the City took a new approach to biosolids reuse by co-composting them with two other solid waste streams, garden refuse and green waste, under an integrated waste management plan, and

WHEREAS, this plan satisfies the requirements for the biosolids regulations at the same time that it complies with the City's adopted Solid Waste Resource and Recycling Element (SRRE) which plans for the diversion of 50% of 1990 solid waste in accordance with AB 939, and

WHEREAS, in 1997, the City built the Modesto Co-Compost Facility, and the end product of the facility is a soil amendment which is highly treated and monitored, ensuring

safety for public health and the environment, and

WHEREAS, the CVRWQCB has responsibilities for regulating wastewater activities and over the years has maintained a variety of RWQCB permits controlling the beneficial reuse of biosolids, and

WHEREAS, in order to obtain the necessary state permits for the land application of the new co-compost product, the RWQCB advised the City to conduct a full CEQA review proposal, and

WHEREAS, CEQA documentation will also be needed in meeting a variety of other applicable federal, state or local regulations, and

WHEREAS, for this reason, a Master EIR was created under the new legislation to provide a comprehensive CEQA documentation path for a cluster of projects and regulatory actions under one set of objectives, and

WHEREAS, the project described as Land Application of Class A EQ Biosolids has been broadly defined in the Master EIR, and

WHEREAS, the Draft EIR was circulated in July 1997, and all comments and questions have now been addressed in the Final Master EIR document which incorporates into one document all the available scientific information and expert opinion for the benefit of future decision makers, and

WHEREAS, the Master EIR contains a model Initial Study which will compare each proposed project to the master criteria and defines the criteria under which the future biosolids projects will be measured for less-than-significant environmental impacts, and

WHEREAS, if a proposed project is not within the bounds of the criteria, it will require its own focused EIR, and

WHEREAS, the criteria chosen for future projects reflect the expectation that feasible projects will involve the beneficial reuse of biosolids within a reasonable transportation distance of Modesto, in a cultivated land setting, at reasonable agronomic fertilization rates, and with a consistent program of testing and reporting measures, and

WHEREAS, the Master EIR identifies several potentially significant environmental impacts that can be readily mitigated to a less-than-significant level through the implementation of mitigation measures which, for the most part, require the City to ensure that the biosolids meet the requirements of state and federal laws which regulate the production of biosolids, and

WHEREAS, the City has responded to the concerns of interested citizens and agencies by identifying additional measures that go beyond the requirements of law by committing the City to undertake testing programs to confirm the adherence with existing regulations and to label biosolids products to reduce, to the extent practicable, the potential for misapplication of the City's biosolids products, and

WHEREAS, the Utility Services & Franchise Committee reviewed this proposed action on March 16, 1997, and recommended approval, and

WHEREAS, the City requests that the Central Valley Regional Water Quality Control Board act as the Responsible Agency for subsequent regulatory actions regarding Modesto's biosolids,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby directs City staff to submit the Master EIR for the Land Application of Class A EQ Biosolids to the Central Valley Regional Water Quality Control Board with the request that the CVRWQCB act as the Responsible Agency for subsequent regulatory actions regarding Modesto's biosolids.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By R. Steven Asst
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-212

Print

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE U. S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, VIOLENCE AGAINST WOMEN GRANTS OFFICE FOR THE "MODESTO/STANISLAUS DOMESTIC VIOLENCE SUPPRESSION PROGRAM", AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT APPLICATION AND GRANT AGREEMENT DOCUMENTS.

WHEREAS, the U. S. Department of Justice is soliciting applications for new and innovative programs to protect women and children from domestic violence and to encourage arrest policies for such offenses, and

WHEREAS, funded programs will require no local match and will be of 18 months in duration, and

WHEREAS, the Modesto Police Department is interested in pursuing a grant to centralize domestic violence case processing, provide vertical prosecution, adequate probationary supervision and sufficient legal advocacy for all City of Modesto domestic violence cases, felony and misdemeanor, and

WHEREAS, the City of Modesto will implement the project, and

WHEREAS, the grant project will employ one Modesto Police Officer to join the Modesto Police Department Domestic Violence Unit and handle all misdemeanor cases, including misdemeanor protective orders, and

WHEREAS, the Stanislaus County District Attorney's Office will employ one Deputy District Attorney III, joining other legal staff, to prosecute cases, and

WHEREAS, the Stanislaus County Probation Department will hire two Deputy Probation Officer II's to monitor domestic violence probationers, the Stanislaus County Superior Court will employ one Court Clerk for centralized processing of all domestic violence cases, and the Haven Women's Center will employ a new part-time legal advocate to assist women in all legal processes, and

WHEREAS, the grant project, totaling approximately $525,000 for 18 months, including computer equipment and the required federal travel expense, provides an excellent opportunity to provide greater safety to victims of domestic violence at a misdemeanor level and provides the potential to break the cycle of escalating attacks before great bodily harm is inflicted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto, or his authorized designee, is hereby authorized to execute and file an application with the U. S. Department of Justice, Office of Justice Programs, Violence Against Women Grants Office for the "Modesto/Stanislaus Domestic Violence Suppression Program".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CERTIFICATION

The undersigned duly qualified City Clerk, acting on behalf of the City of Modesto, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the City Council of the City of Modesto held on the 21st day of April, 1998.

Dated: April 21, 1998

Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-213

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HOGAN MANUFACTURING INC. FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hogan Manufacturing Inc. for the purchase of right of way needed for the Carpenter Road widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: _____
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-214

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MICHAEL P. BILLINGTON ET. AL. FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Michael P. Billington et. al. for the purchase of right of way needed for the Carpenter Road widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-215

A RESOLUTION SUMMARILY VACATING AND ABANDONING THE WEST PORTION OF EXCESS STREET RIGHT-OF-WAY LOCATED ON OLD CLAUS ROAD NORTH FROM YOSEMITE BOULEVARD IN BLOCKS 2907, 2908 AND 2909, AND RESERVING A FIFTEEN (15) FOOT PUBLIC UTILITY EASEMENT ON EACH AFFECTED BLOCK.

WHEREAS, the City of Modesto has received a request from Rod Lowe, representing Lowe Development, requesting an abandonment of the west portion of excess street right-of-way located on Old Claus Road north from Yosemite Boulevard in blocks 2907, 2908 and 2909 for the purpose of combining the area to create typical size lots in the tentative map of Yosemite Meadows Phase 3 Subdivision, and

WHEREAS, letters of information regarding the proposed abandonment of excess street right-of-way were sent to City Divisions and affected Public Utilities, and

WHEREAS, a response was received requesting the reservation of a fifteen (15) foot public utility easement for each affected block, and

WHEREAS, the California Streets and Highways Code authorizes a City Council, by resolution, to summarily vacate excess street right-of-way not required for street purposes, and

WHEREAS, said portion of excess street right-of-way is located on Old Claus Road north from Yosemite Boulevard in Blocks 2907, 2908 and 2909, and is more particularly described in Exhibit "A" attached hereto, and

WHEREAS, the Council of the City of Modesto finds and declares that:

1. The vacation is made pursuant to Chapter 4, Section 8334, of Part 3 of Division 9 of the Streets and Highways Code.

2. The portion of excess street right-of-way located on Old Claus Road north from Yosemite Boulevard in Blocks 2907, 2908 and 2909 in the City of Modesto, as more particularly described in Exhibit "A" attached hereto, is not required for street or highway purposes.

3. That from and after the date this resolution is recorded, the portion of excess street right-of-way vacated will no longer constitute a right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the portion of excess street right-of-way located on Old Claus Road north from Yosemite Boulevard in Blocks 2907, 2908 and 2909 in the City of Modesto, which is more particularly described in Exhibit "A", which is attached hereto and incorporated herein by reference, be and it is hereby vacated and abandoned, such vacation and abandonment to become effective upon the recording of a certified copy of this resolution in the Stanislaus County Recorder's Office.

BE IT FURTHER RESOLVED that the Council of the City of Modesto hereby reserves a fifteen (15) foot public utility easement on each affected block.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of april, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Engineering and Transportation Department

OLD CLAUS ROAD

RIGHT-OF-WAY ABANDONMENT

An abandonment of public right-of-way for road purposes, situate in a portion of the southeast quarter of Section 25, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Parcel 1
An abandonment of public right-of-way for road purposes, described as follows:

COMMENCING at the northeast corner of Lot 34, Block 2907, of "Yosemite Meadows, Unit No. 1", according to the official map thereof filed for record in Volume 36 of Maps, Page 87, Stanislaus County Records; thence North 89°34'22" East along the south right-of-way line of El Portal Place as shown on said "Yosemite Meadows, Unit No. 1", a distance of 46.74 feet to the existing west right-of-way line of Old Claus Road as shown on said "Yosemite Meadows, Unit No. 1" and the true POINT OF BEGINNING of this description; thence Southerly along said west line of Old Claus Road the following two courses:
South 2°34'55" East 93.48 feet and
Southwesterly 6.21 feet along a tangent curve, concave to the west, having a radius of 15.00 feet and a central angle of 23°42'54" to a point on a non-tangent curve from which a radial line bears North 13°20'17" West to the center; thence Northeasterly 27.66 feet along said non-tangent curve, concave to the northwest, having a radius of 20.00 feet and a central angle of 79°14'38" to a point 35.00 feet west of existing centerline of said Old Claus Road; thence North 2°34'55" West parallel with and 35.00 feet west of said centerline of Old Claus Road, a distance of 64.86 feet; thence Northwesterly 23.00 feet along a tangent curve, concave to the southwest, having a radius of 15.00 feet and a central angle of 87°50'43" to a point on the easterly extension of said south line of El Portal Place; thence South 89°34'22" West along said easterly extension of the south line of El Portal Place a distance of 0.56 feet to the point of beginning.

Parcel 2

An abandonment of public right-of-way for road purposes, described as follows:

COMMENCING at the southeast corner of Lot 15, Block 2908, of "Yosemite Meadows, Unit No. 1", according to the official map thereof filed for record in Volume 36 of Maps, Page 87, Stanislaus County Records; thence North 89°34'22" East along the north right-of-way line of El Portal Place as shown on said "Yosemite Meadows, Unit No. 1", a distance of 52.01 feet to the existing west right-of-way line of Old Claus Road as shown on said "Yosemite Meadows, Unit No. 1", and the true POINT OF BEGINNING of this description; thence Northerly along said west line of Old Claus Road the following three courses:

North 2°34'55" West 74.54 feet, North 87°25'05" East 5.00 feet, and North 2°34'55" West 125.41 feet to the south right-of-way line of Westfall Lane as shown on said "Yosemite Meadows, Unit No. 1"; thence North 89°34'22" East along the easterly extension of said south line of Westfall Lane a distance of 5.57 feet; thence Southeasterly 23.00 feet along a tangent curve, concave to the southwest, having a radius of 15.00 feet and a central angle of 87°50'43" to a point 25.00 feet west of existing centerline of said Old Claus Road; thence South 2°34'55" East parallel with and 25.00 feet west of said centerline of Old Claus Road, a distance of 85.62 feet; thence South 2°11'36" West 85.78 feet; thence Southwesterly 22.88 feet along a tangent curve, concave to the northwest, having a radius of 15.00 feet and a central angle of 87°22'46" to a point on the easterly extension of said north line of El Portal Place; thence South 89°34'22" West along said easterly extension of the north line of El Portal Place a distance of 2.35 feet to the point of beginning.

Parcel 3

An abandonment of public right-of-way for road purposes, described as follows:

COMMENCING at the southeast corner of Lot 6, Block 2909, of "Yosemite Meadows, Unit No. 1", according to the official map thereof filed for record in Volume 36 of Maps, Page 87, Stanislaus County Records; thence North 89°34'22" East along the north right-of-way line of Westfall Lane as shown on said "Yosemite Meadows, Unit No. 1", a distance of 49.29 feet to the existing west right-of-way line of Old Claus Road as shown on said "Yosemite Meadows, Unit No. 1", and the true POINT OF BEGINNING of this description; thence Northerly along said west line of Old Claus Road the following three courses:
North 2°34'55" West 31.32 feet,
Northerly 168.20 feet along a tangent curve, concave to the east, having a radius of 5045.00 feet and a central angle of 1°54'37", and North 0°40'18" West 363.88 feet to the south right-of-way line of Sentinel Drive as shown on "Yosemite Meadows, Unit No. 2" according to the official map thereof filed for record in Volume 37 of Maps, Page 41, Stanislaus County Records; thence North 89°19'42" East along the easterly extension of said south line of Sentinel Drive a distance of 5.00 feet; thence Southeasterly 23.56 feet along a tangent curve, concave to the southwest, having a radius of 15.00 feet and a central angle of 90°00'00" to a point 25.00 feet west of the existing centerline of said Old Claus Road; thence southerly parallel with and 25.00 feet west of said centerline of Old Claus Road the following three courses:
South 0°40'18" East 348.88 feet,
Southerly 167.54 feet along a tangent curve, concave to the east, having a radius of 5025.00 feet and a central angle of 1°54'37", and South 2°34'55" East 16.50 feet; thence Southwesterly 24.13 feet along a tangent curve, concave to the northwest, having a radius of 15.00 feet and a central angle of 92°09'17" to a point on the easterly extension of said north line of Westfall Lane; thence South 89°34'22" West along said easterly extension of the north line of Westfall Lane a distance of 4.44 feet to the point of beginning.

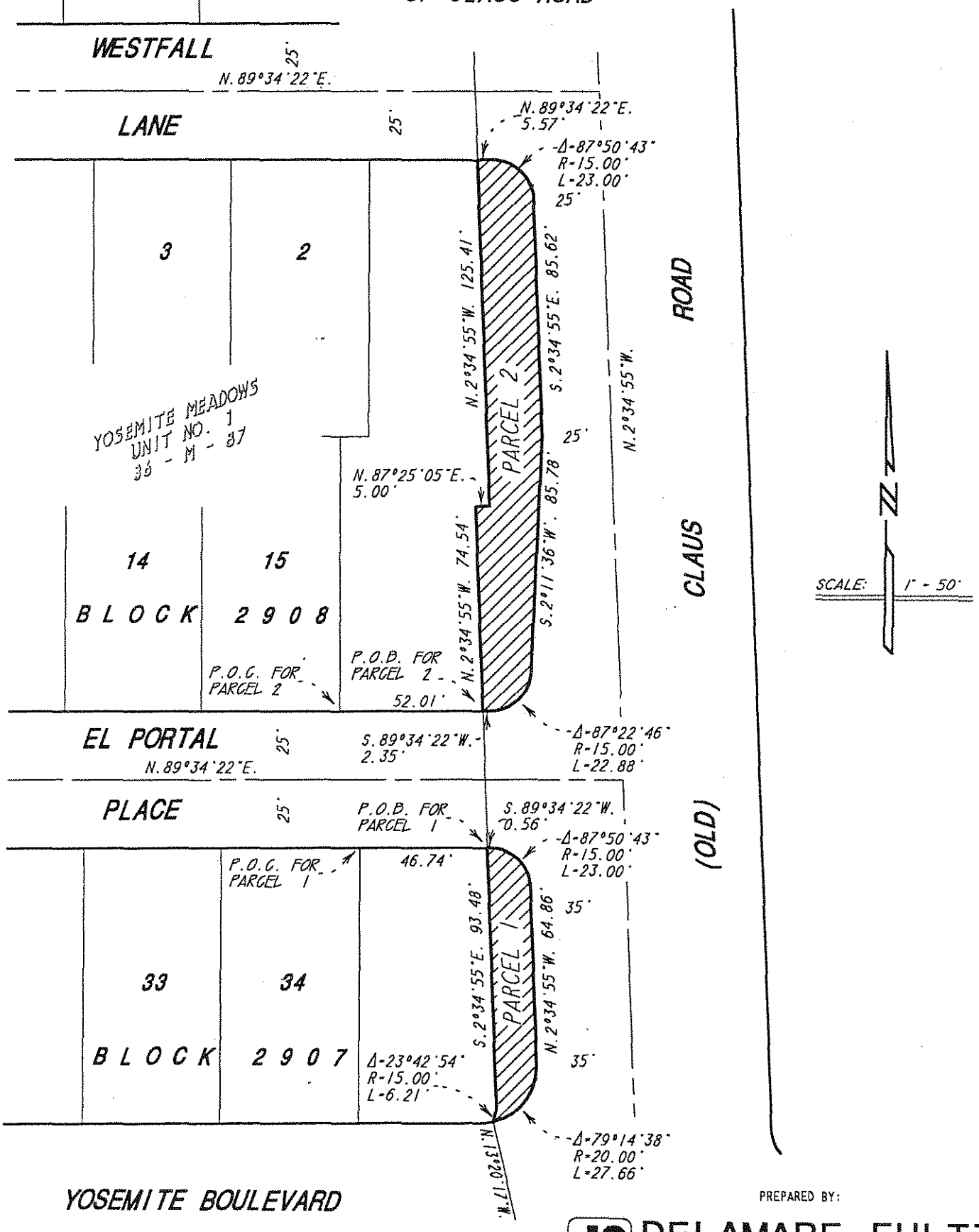
Parcel 4

An abandonment of public right-of-way for road purposes, described as follows:

BEGINNING at the intersection of the existing west right-of-way line of Old Claus Road with the north right-of-way line of Sentinel Drive as shown on "Yosemite Meadows, Unit No. 2" according to the official map thereof filed for record in Volume 37 of Maps, Page 41, Stanislaus County Records; thence Northerly along said west line of Old Claus Road the following two courses:
North 0°40'18" West 103.15 feet, and Northerly 119.86 feet along a tangent curve, concave to the east, having a radius of 5045.00 feet and a central angle of 1°21'40"; thence North 89°19'42" East along a non-tangent line a distance of 4.67 feet; thence Southeasterly 23.87 feet along a tangent curve, concave to the southwest, having a radius of 15.00 feet and a central angle of 91°11'31" to a point 25.00 feet west of existing centerline of said Old Claus Road; thence Southerly parallel with and 25.00 feet west of said centerline of Old Claus Road the following two courses:
Southerly 104.54 feet along a tangent curve, concave to the east, having a radius of 5025.00 feet and a central angle of 1°11'31", and South 0°40'18" East 88.15 feet; thence Southwesterly 23.56 feet along a tangent curve, concave to the northwest, having a radius of 15.00 feet and a central angle of 90°00'00" to a point on the easterly extension of said north line of Sentinel Drive; thence South 89°19'42" West along said easterly extension of the north line of Sentinel Drive a distance of 5.00 feet to the point of beginning.



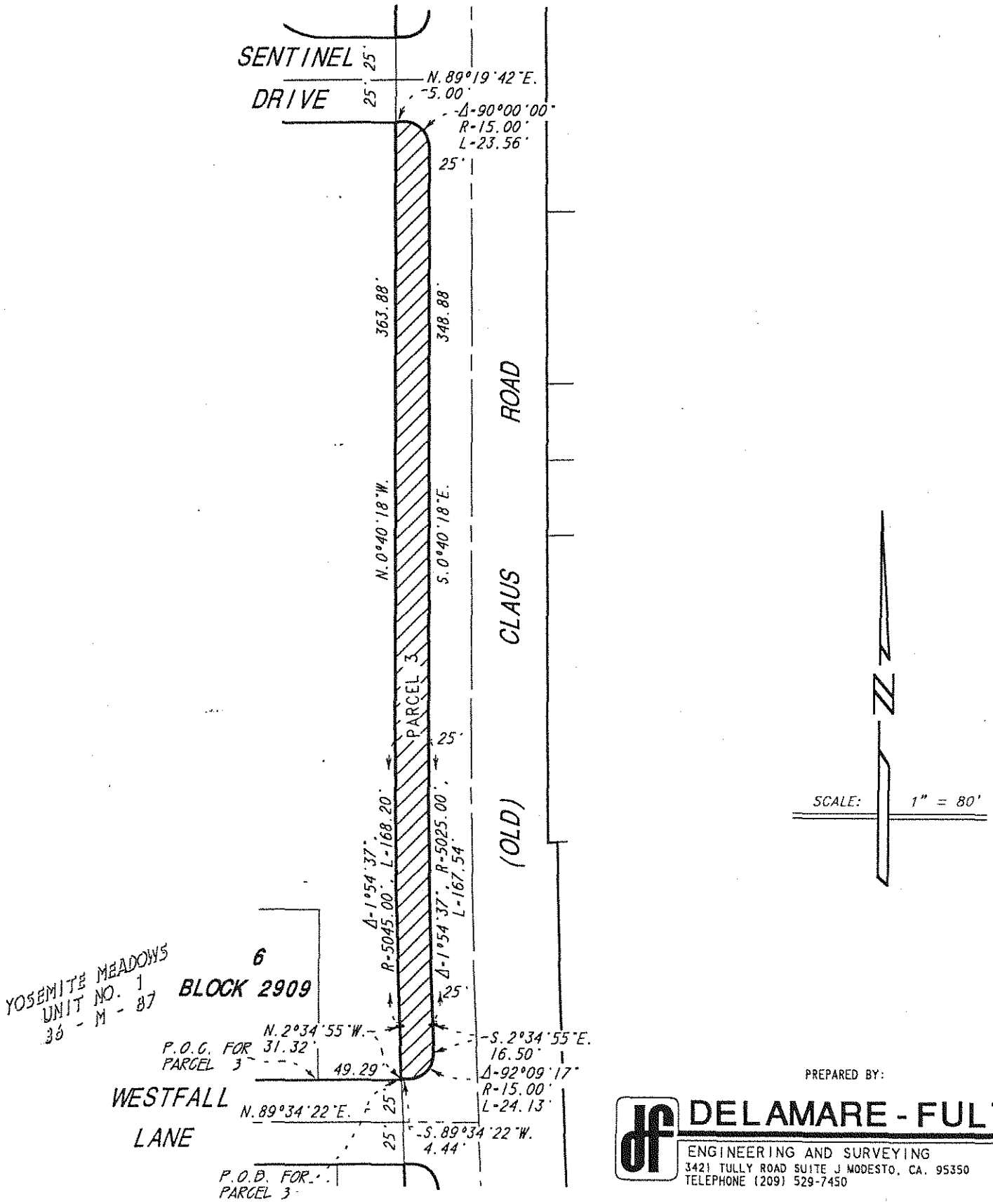
EXHIBIT FOR RIGHT-OF-WAY ABANDONMENT OF CLAUS ROAD



PREPARED BY:

DELAMARE-FULTZ
ENGINEERING AND SURVEYING
3421 TULLY ROAD SUITE J MODESTO, CA. 95350
TELEPHONE (209) 529-7450

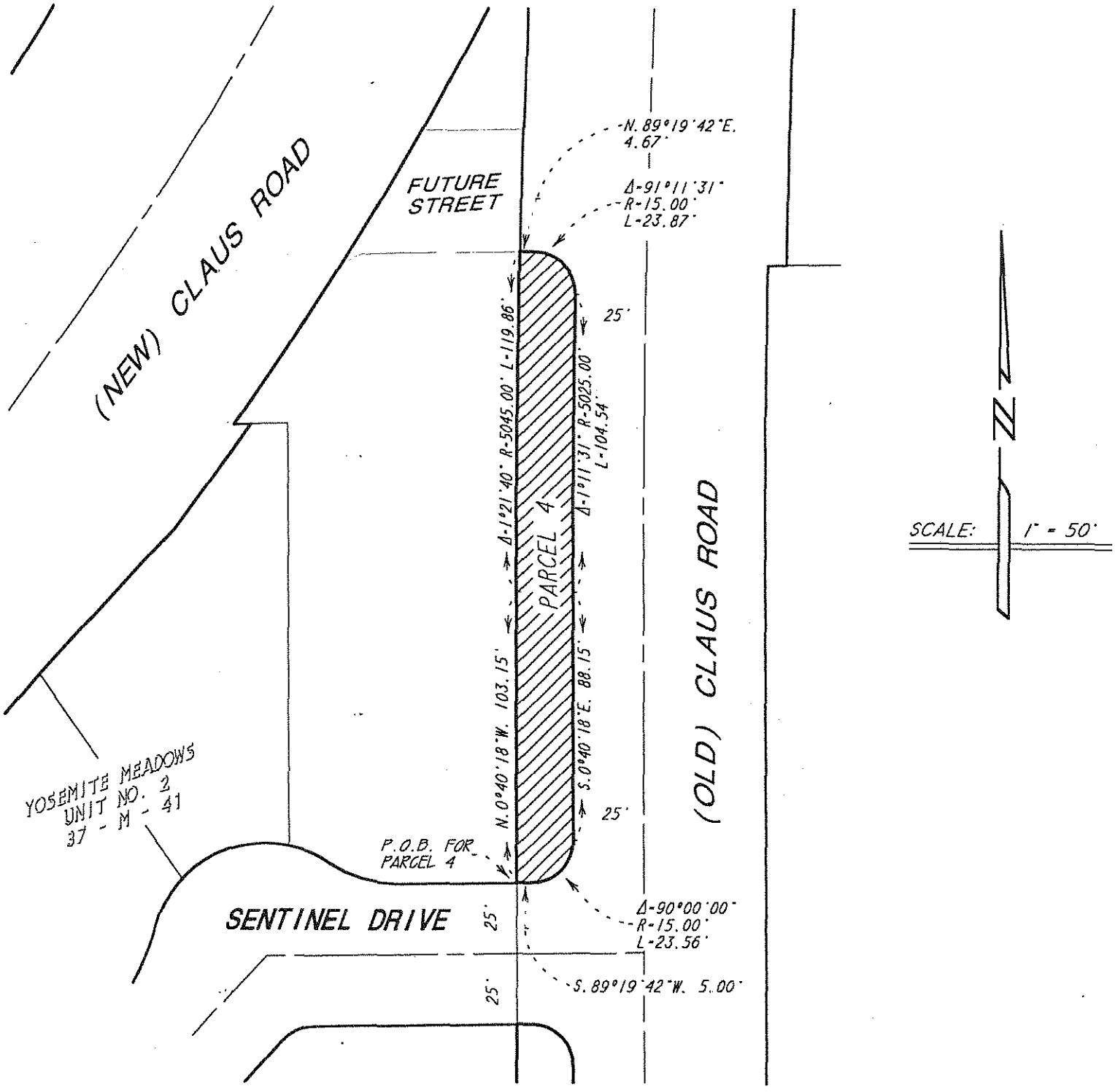
EXHIBIT FOR
RIGHT-OF-WAY ABANDONMENT
OF CLAUS ROAD



PREPARED BY:

DELAMARE-FULTZ
ENGINEERING AND SURVEYING
3421 TULLY ROAD SUITE J MODESTO, CA. 95350
TELEPHONE (209) 529-7450

EXHIBIT FOR
RIGHT-OF-WAY ABANDONMENT
OF CLAUS ROAD



PREPARED BY:

DELAMARE-FULTZ

ENGINEERING AND SURVEYING

3421 TULLY ROAD SUITE J MODESTO, CA. 95350

TELEPHONE (209) 529-7450

RESOLUTION VACATING STREET, ALLEY OR RIGHT-OF-WAY

File 16.5-2

	2	Clerk
	2	Attorney
	1	Public Works
	1	Engineering Services
	1	Fire
	1	Police
*	1	County Recorder
	1	MID
	1	PG&E
	1	Pacific Bell
	1	~~Del Este Water Co.~~ Water Dept.
	13	

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

P. G. & E.
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
Attn: Helen Hoskins
44 West Yokuts
Stockton, CA 95207

~~Del Este Water Co.~~
~~P. O. Box 3250~~
~~Modesto, CA 95353~~

* Temporary Closings do not Record

MODESTO CITY COUNCIL
RESOLUTION NO. 98-216

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE A GRANT DEED TRANSFERRING TITLE OF CITY-OWNED PROPERTIES LOCATED ON OLD CLAUS ROAD TO LOWE DEVELOPMENT, PARCELS 1, 2, 3 AND 4

BE IT RESOLVED by the Council of the City of Modesto that the grant deed between the City of Modesto and Lowe Development transferring title of City-owned properties located on Old claus Road to Lowe Development, Parcels 1, 2, 3, and 4 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant deed by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being dully seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

Judy C. Hall, Acting City Clerk

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Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-217

A RESOLUTION REQUESTING THE CALIFORNIA TRANSPORTATION COMMISSION TO AUTHORIZE THE TRANSFER OF TITLE OF THREE (3) FEET OF RIGHT-OF-WAY ON THE SOUTH SIDE OF K STREET ON STATE ROUTE 108, BETWEEN 9TH STREET AND 10TH STREET, A PORTION OF BLOCK 57, IN THE CITY OF MODESTO, THROUGH VACATION OR SALE OF EXCESS PROPERTY FOR THE CINEMA/RETAIL PORTION OF THE TENTH STREET PLACE PROJECT.

WHEREAS, the Redevelopment Agency has conveyed a portion of Block 57 to ORIX Civic Partners Modesto Venture (the "Developer") pursuant to the Development and Disposition Agreement (the "DDA") for the purpose of constructing the cinema/retail portion of the Tenth Street Place Project, and

WHEREAS, a construction problem has surfaced for the cinema/retail portion of the Tenth Street Place Project which requires three (3) additional feet of right-of-way on the south side of K Street, extending for 305.4 feet between 9th Street and 10th Street, in Block B, and

WHEREAS, to alleviate the Developer's construction problem, the possibility exists that Caltrans could transfer title of the three (3) feet of right-of-way to the City of Modesto (the "City"), and the City, in turn, could transfer title of the right-of-way property to the Developer of the cinema/retail project, and

WHEREAS, Caltrans has been approached concerning the transfer of title of said right-of-way, and said matter would need to be considered and approved by the California Transportation Commission (the "CTC") in order to pursue said transfer of title as set forth

above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Caltrans is hereby requested to place on the May Agenda of the California Transportation Commission (the "CTC") the issue of the transfer of title of three (3) feet of right-of-way on the south side of K Street on State Route 108, extending 305.4 feet between 9th Street and 10th Street, a portion of Block 57, to the City of Modesto, through vacation or sale of excess property for the cinema/retail portion of the Tenth Street Place project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

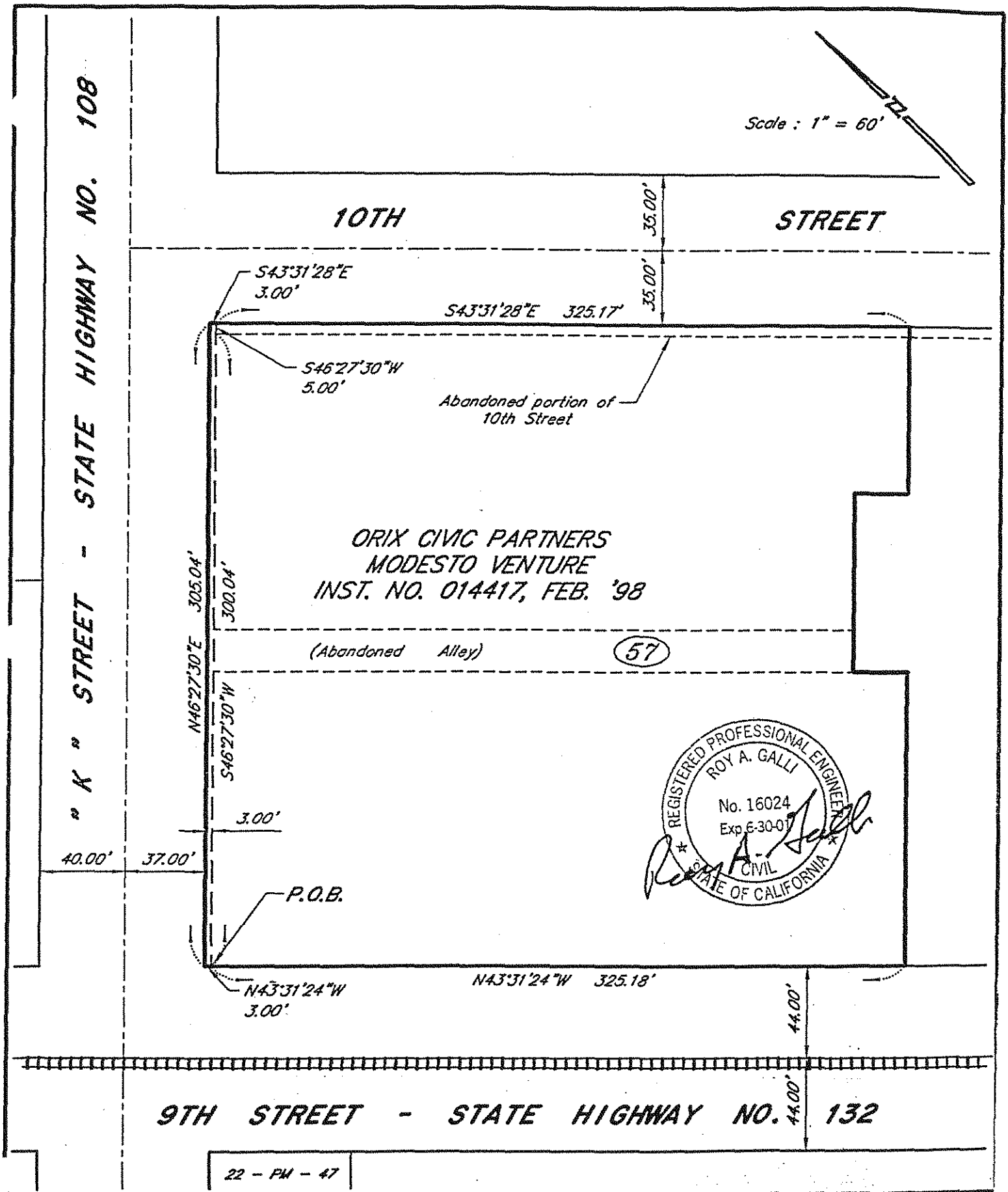
ABSENT: Councilmembers: Dobbs, Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney



Drawn	E.T.
Date	4/16/98
Scale	1" = 60'
Job No.	70-738
Dwg.	KSTREET

PLAT TO ACCOMPANY LEGAL DESCRIPTION

Abandonment of a portion of "K" Street / State Highway No. 108
City of Modesto, California

mid-valley engineering
900 H ST. STE. G, MODESTO, CALIFORNIA, 95354
(209) 526-4214
FAX (209) 526-0803

SHEET 1. OF 1.

Clerk F

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MODESTO CITY COUNCIL
RESOLUTION NO. 98-218

A RESOLUTION ADOPTING A USE AND FEE POLICY FOR LEASING CITY FACILITIES TO NON-PROFIT ORGANIZATIONS.

WHEREAS, due to an increased public awareness of facilities recently donated to the City and the decrease of Community Development Block Grant funding for rental purposes there has been an increase in the demand for leasing of City facilities by non-profit organizations at a reasonable fee, and

WHEREAS, City staff has evaluated these requests and has determined that a standardized use and fee policy for leasing of City facilities should be developed and implemented, and

WHEREAS, the use and fee policy recommends the establishment of a priority use #1 with a twenty-five (25) percent fee subsidy for local non-profit organizations that provide programs for youth and senior citizens and a priority use #2 with no fee subsidy for other local non-profit organizations, and

WHEREAS, the use and fee policy also recommends that the City Financial Assistance Program apply to non-profit organizations that qualify for the program, and

WHEREAS, a copy of said use and fee policy is attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, consideration of said use and fee policy was set for a public hearing of the City Council to be held on April 28, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider said use and fee policy,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the use and fee policy for leasing of City facilities as set forth 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 28th day of April, 1998, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto
Leasing Public Facilities to Non-Profit Organizations
Proposed Use and Fee Policy

I. Authorities for Leasing Public Facilities to Non-Profit Organizations

A. The increased demand for use of public facilities by non-profit organizations.
B. The decrease in Community Development Block Grant funding for rental purposes by non-profit organizations.
C. The City's desire to form partnerships with non-profit organizations that enhance the delivery of programs for youth and senior citizens.
D. City of Modesto, The Indicators Of A High Performance Organization: Statement: To provide the best customer service to the citizens of Modesto.

II. Public Facilities Leasing Use Policy

A. Mission Statement
To lease[1] public facilities that are not utilized as public rental[2] facilities to local non-profit organizations for utilization of office/meeting space for a reasonable fee, with priority given to organizations that enhance the delivery of programs for youth and/or senior citizens.
B. Program Objectives for Use Policy
1. To standardize leasing policies and procedures.
2. To create a positive image of facility management by improving the functions and processes directly related to the provision of facility leasing services.
3. To enable appropriate staff to make more informed decisions on facility leasing.
4. To uphold and adhere to existing[3] City approved facility leasing agreements.
C. Geographical Service Area for Facility Leasing
1. Policy will serve a geographical area for non-profit organizations that provide majority of services to residents with a Modesto mailing address.

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[1] Public Lease Facility: Daily, annual on-going use of facility where lessee has entered into a legal agreement with the City.

[2] Public Rental Facility: Facility rented for one-time use only and/or facility rented for one-time use during week or month on a regular basis and where renter does not enter into a legal agreement with the City.

[3] Existing facility lease agreements will remain in effect as written. If facility lease ends and/or is terminated, the facility use and lease fee will be subject to review by CSNC Department.

D. Public Facilities Available for Leasing by Non-Profits:
1) Old Firehouse (currently occupied rent free by S.O.S.P.), 2) Sorrano I, 3) Sorrano II, 4) 1004 Thrasher, 15) Mancini Home, 6) Crismon Home, 7) McHenry Museum (Basement Area - currently leased by Art League), and 8) Modesto Community Service Center - Room 104 (currently leased by League of Women Voters).

III. Use Priority and Leasing Fee Policy

Use Priority		Leasing Fee Policy	
#1	Local Non-Profit Organizations (Must meet criteria on membership fee. Programs must be for youth or senior citizens. Majority of residents served must have a Modesto mailing address.)	#1 sub	75% of Benchmark[4] Average 1,2,3,4
#2	Local Non-Profit Organizations (Majority of residents served must have a Modesto mailing address.)	#2 sub	100% of Benchmark Average 1,2,3

sub 1 Proof of tax-exempt status required. Non-Profit organizations must be tax-exempt in accordance with the Internal Revenue Service, Section 501(c)(3) and with the California Franchise Tax Board Section 23701(d).

sub 2 Written lease agreement must be entered into, stating conditions of use.
Conditions of Use:
Rental fee payable in advance.
Lessee to pay utility fees. (Water, electricity, gas, sewer, garbage & refuse)
Alterations at expense of lessee.
Lessee to provide janitorial services.
Lessee to provide insurance as required by Risk Manager.
Lessee shall not sub-lease any portion of premises without prior approval from the CSNC Director.
Appropriate agreement statements as deemed by City Attorney.

sub 3 Financial Assistance Program: Youth and Senior Non-Profit Organizations that have a majority of members living in a "low income target neighborhood" may qualify for rental fee assistance. This program allows qualified groups to use facilities, and pay just 10% of the established rental fee, up to $500 per fiscal year.

sub 4 Membership Fee: Can not be greater than $50 for any and/or all membership dues required to participate in the organization.

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[4] Benchmark: Comparison of per square foot fee of City facilities used for leasing purposes.

City Leasing Rates:	.0 - .20	per square foot
Overall Average:	.14	per square foot

Modesto: Commercial per square foot fees.

Commercial Shells	.25 - .35	per square foot
Commercial - mediocre	.50 - .80	per square foot
Commercial - premium	1.25 - 1.60	per square foot

IV. Facility Uses Not Granted For Lessees

A. Any use by an individual or organization for the commission of any act intended to further any program or movement dedicated to overthrowing the United States or State of California governments by force, violence, or other unlawful means.

B Any use by an individual or organization for the commission of any act which is prohibited by law or for the commission of any crime.

C. Any use which is inconsistent with the designed use of the facility.

D. Any use which is discriminatory in the legal sense.

E. Any use which involves the possession, consumption, or sale of any restricted substance.

F. Any organization, whose bylaws do not meet Affirmative Action and American with Disabilities guidelines.

G. Any previous violation of City policies, procedures or regulations governing the use of rental facilities.

V. Public Facility Leasing Procedures

A. All facility leasing will be determined on availability of facilities and on a first come, first served basis, with priority given to non-profit organizations that serve youth or senior citizens.

B. Existing facility lease agreements will remain in effect as written. If facility lease ends and/or is terminated, the facility use and lease fee will be subject to review by the CSNC Department.

C. Each non-profit organization that leases a facility will be required to enter into a legal agreement with the City that defines and specifies the conditions of use.

D. The Community Services and Neighborhood Connections Director and/or designee has the right to waive any proposed rental leasing fee if it is deemed that services rendered are sufficient to cover rental fee. Director's and/or designee decision shall be final.

E. A facility waiting list will be established. If desired facility is not available at time of non-profit organization's request, the requesting organization will be eligible for placement on a waiting list. If a facility becomes available, the waiting list requester will be contacted.

F. All requests for the purpose of leasing a facility will be handled through the Department of Community Services and Neighborhood Connections.

G. Fees will be reviewed annually and adjusted if increases in public rental facility fees used as benchmark create a change in per square foot cost.

City of Modesto
Leasing Public Facilities to Non-Profit Organizations

Appendix

Table I. Public Facilities Available for Leasing and Current Cost to Lease

Facility	Square Footage	Monthly Rental Fee	Cost Per Square Foot	Comments
Old Firehouse	2,304	0	.0	SOSP currently renting on a month-to-month basis.
Sorrano Home I	1136	N/A		Still in process of transfer to City.
Sorrano Home II	1558	N/A		Still in process of transfer to City.
1004 Thrasher	2,280	$475	.20	
Mancini Home 1204 River Road	2,322	$475	.20	
Crismon Home 660 El Vista	2,391	$400	.16	
McHenry Museum (Basement area adjacent to Auditorium)	3,255	$293	.09	Central California Art League currently has lease agreement.
Modesto Community Service Center Rm 104	506	$106	.20	League of Women Voters currently has lease agreement.

Table II. Projected Monthly Lease Costs for Public Facilities in Accordance with Recommended Priorities

Facility	Monthly Lease Fee Based on Facility Average	Priority #1 Monthly Cost to Lease (75%)	Priority #2 Monthly Cost to Lease (100%)
Old Firehouse	2,304 x .14 = $322	$241	$322
Sorrano Home I	1,136 x .14 = $159	$119	$159
Sorrano Home II	1,558 x .14 =218	$163	$218
1004 Thrasher	2,280 x .14 = $319	$239	$319
Mancini Home 1204 River Road	2,322 x .14 = $325	$243	$325
Crismon Home 660 El Vista	2,391 x .14 = $334	$250	$334
McHenry Museum	3,255 x .14 = $455	$341	$455
Modesto Community Service Center Room 104	506 x .14 = $70	$52	$70

City of Modesto
Community Services and Neighborhood Connections Department
Lease Facilities Use and Fee Policy

Local Non-profit Organizations Procedures for Requesting Use of Public Leasing Facilities

All facility leasing will be determined on availability of facilities and on a first come, first served basis, with priority given to non-profit organizations that serve youth or senior citizens.

1. The Governing Board or President must submit a letter of request to the CSNC Department that clearly states the goals, objectives and interests of the organization. If the organization is requesting subsidy status for serving youth or senior citizens, the letter of request must clearly state how the organization's mission applies and creates enhanced service delivery in these program areas.

2. The organization, upon preliminary request approval, must then prepare and submit all required documentation requested by the CSNC Department, i.e., by-laws, proof of non-profit status, proof of liability insurance, list of officers and staff members, applicable permits, business licenses.

3. The CSNC staff will review all documents and set a date for final review with Department Review Board. Representatives of the non-profit organization will be invited to make presentations, if necessary.

4. The CSNC Review Board will approve or deny application request.

5. Appeal, if necessary, will be to the City Council.

6. If approved, a specific written agreement or contract must be entered into and approved by the CSNC Department and/or resolution must be approved by the CSNC Department and adopted by the City Council, as applicable.

7. If a facility or a desired facility is not available at time of non-profit organization's request and the request is approved, the requesting organization will be eligible for placement on a waiting list. If a facility becomes available, the waiting list requester will be contacted.

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MODESTO CITY COUNCIL
RESOLUTION NO. 98-219

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE VAN WITH TELEVISION SYSTEM TO BE USED BY THE WASTE WATER COLLECTION DIVISION FOR SEWER AND STORM DRAIN LINE INSPECTIONS

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing one van with television system to be used by the Waste Water Collection Division for sewer and storm drain line inspections, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 26, 1998 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 98-220

A RESOLUTION ACCEPTING THE BID OF SEMCO FOR THE PROJECT TITLED "CORPORATION YARD UNDERGROUND TANK REMOVAL"

WHEREAS, the bids received for Corporation Yard Underground Tank Removal were opened at 11:00 a.m. on April 14, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of SEMCO be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of SEMCO in the amount of $51,345 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-221

A RESOLUTION ACCEPTING THE PROJECT TITLED "STREET ILLUMINATION AT VARIOUS LOCATIONS - STPLH-5059(022)" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Street Illumination at Various Locations - STPLH-5059(022), has been completed by Collins Electrical Inc., in accordance with the contract agreement dated June 3, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Street Illumination at Various Locations be accepted from said contractor, Collins Electrical Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $221,741.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-222

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF A MOTOROLA PORTABLE RADIO SYSTEM WITH CONTROL STATION FROM MOTOROLA CORPORATION LAND MOBILE DIVISION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of a Motorola portable radio system with control station from Motorola Corporation Land Mobile Division is hereby waived.

BE IT FURTHER RESOLVED that purchase of a Motorola portable radio system with control station from Motorola Corporation Land Mobile Division for a not to exceed price of $61,879.75.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-222A

A RESOLUTION RE-ESTIMATING REVENUE FOR THE FY 1997-98 ANNUAL BUDGET OF THE CITY OF MODESTO

WHEREAS, the third quarter financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1997-98;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the revenue for fiscal year 1997-98 has been re-estimated as shown in Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: D Eggs
STAN HEATHERS, Budget Officer

Schedule A
Third Quarter Report FY 97-98
Budget Adjustment Details

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget ($)	Adjustment Amount ($)	Revised Budget ($)	Document Total
Appropriation	Contingency Reserve *	010	800	8000	8003	01H		282,000		
Revenue	Misc Revenue	010	510	9510	8155	na	159,000	282,000	441,000	441,000
Appropriation	Contingency Reserve *	010	800	8000	8003	01H		(81,026)		
Appropriation	Salary & Wages	010	030	0303	0110	03A	42,799	1,897	44,696	
Appropriation	Pub Emp Retire Sys (PERS)	010	030	0303	0160	03A	6,047	467	6,514	51,210
Appropriation	Salary & Wages	010	140	1401	0110	14A	1,164,774	13,739	1,178,513	
Appropriation	Pub Emp Retire Sys (PERS)	010	140	1401	0160	14A	163,649	3,475	167,124	**
Appropriation	Salary & Wages	010	160	1601	0110	16A	382,868	6,380	389,248	
Appropriation	Pub Emp Retire Sys (PERS)	010	160	1601	0160	16A	55,485	1,453	56,938	446,186
Appropriation	Salary & Wages	010	180	1801	0110	18A	139,250	3,439	142,689	
Appropriation	Pub Emp Retire Sys (PERS)	010	180	1801	0160	18A	30,275	987	31,262	173,951
Appropriation	Salary & Wages	010	190	1921	0110	19A	2,587,392	24,904	2,612,296	
Appropriation	Pub Emp Retire Sys (PERS)	010	190	1921	0160	19A	515,762	6,665	522,427	3,134,723
Appropriation	Salary & Wages	010	410	4112	0110	41A	767,562	6,992	774,554	
Appropriation	Pub Emp Retire Sys (PERS)	010	410	4112	0160	41A	110,116	1,615	111,731	886,285
Appropriation	Salary & Wages	010	420	4212	0110	42A	554,685	1,373	556,058	
Appropriation	Pub Emp Retire Sys (PERS)	010	420	4212	0160	42A	77,649	309	77,958	
Appropriation	Salary & Wages	010	420	4213	0110	42A	117,722	1,155	118,877	
Appropriation	Pub Emp Retire Sys (PERS)	010	420	4213	0160	42A	16,709	275	16,984	769,877
Appropriation	Salary & Wages	010	460	4612	0110	46A	771,963	4,585	776,548	
Appropriation	Pub Emp Retire Sys (PERS)	010	460	4612	0160	46A	112,144	1,316	113,460	890,008
Appropriation	Contingency Reserve *	010	800	8000	8003	01H		(28,741)		
Appropriation	Salary & Wages	010	140	1401	0110	14A	1,178,513	19,682	1,198,195	
Appropriation	Benefits	010	140	1401	0160	14A	167,124	8,186	175,310	
Appropriation	Cellular Phone Service	010	140	1401	0210	14B	2,300	288	2,588	
Appropriation	Office Supplies	010	140	1401	0301	14D	13,530	300	13,830	
Appropriation	Field Supplies	010	140	1401	0308	14D	945	105	1,050	
Appropriation	Recertifications	010	140	1401	0401	14E	2,375	180	2,555	1,393,528
Appropriation	Contingency Reserve *	010	800	8000	8003	01H		(22,000)		
Appropriation	Elections	010	050	0502	0238	05B	302,500	22,000	324,500	324,500
Appropriation	Contingency Reserve *	010	800	8000	8003	01H		(477,000)		
Appropriation	Transfer out to Fund 660	010	701	7001	7660	01L	2,500	477,000	479,500	479,500
Revenue	Transfer in from Fund 010	660	701	7001	9010	na	2,500	477,000	479,500	479,500
Revenue	Muni Green Fee	660	330	3311	4601	na	466,591	(114,026)	352,565	
Revenue	Dryden Green Fee	660	330	3311	4602	na	931,185	(257,357)	673,828	
Revenue	Creekside Green Fee	660	330	3311	4603	na	939,856	(105,617)	834,239	1,860,632
Appropriation	Contingency Reserve *	010	800	8000	8003	01H		(14,000)		
Appropriation	Transfer out to 631	010	701	7001	7631	01L	128,364	14,000	142,364	142,364
Revenue	Transfer in from 010	631	701	7001	9010	na	221,354	14,000	235,354	235,354
Appropriation	Outside Services	631	440	5412	0235	63Q	2,441	14,000	16,441	16,441

Schedule A
Third Quarter Report FY 97-98
Budget Adjustment Details

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget ($)	Adjustment Amount ($)	Revised Budget ($)	Document Total
Revenue	Plan Checking Fees	010	140	1401	4007	na	278,400	80,000	358,400	358,400
Appropriation	Services, Prof, & Others	010	140	1401	0235	14B	68,542	60,000	128,542	
Appropriation	Contingency Reserve *	010	800	8000	8003	01H		20,000		
Revenue	Interest	623	510	9510	6101	na	0	1,451,663	1,451,663	1,451,663
Appropriation	Headworks	623	480	H868	6040	868	13,090,786	550,000	13,640,786	13,640,786
Appropriation	Contingency Reserve	623	800	8000	8003	62P	47,340	901,663	949,003	949,003
Appropriation	Contingency Reserve	623	800	8000	8003	62P	949,003	(100,000)	849,003	849,003
Appropriation	Transfer out to 621	623	700	7000	7621	62D	0	100,000	100,000	100,000
Revenue	Transfer in from 623	621	700	7000	9623	na	0	100,000	100,000	100,000
Appropriation	Contingency Reserve	621	800	8000	8003	62H	10,590,903	100,000	10,690,903	
Appropriation	Contingency Reserve	610	800	8000	8003	61H	6,518,766	(55,562)	6,463,204	6,463,204
Appropriation	Salary & Wages	610	480	5012	0110	61A		4,502	1,649,639	
Appropriation	Pub Emp Retire Sys (PERS)	610	480	5012	0160	61A	239,383	1,060	240,443	
Appropriation	Legal services	610	480	5012	0233	61B	243,000	50,000	293,000	
Appropriation	Contingency Reserve	621	800	8000	8003	62H	10,690,903	(53,285)	10,637,618	10,637,618
Appropriation	Salary & Wages	621	440	5201	0110	62O	110,713	2,603	113,316	
Appropriation	Pub Emp Retire Sys (PERS)	621	440	5201	0160	62O	16,773	682	17,455	
Appropriation	Legal services	621	440	5201	0233	62Q	243,000	50,000	293,000	
Appropriation	Contingency Reserve *	010	800	8000	8003	01H		(30,000)		
Appropriation	Service, Professional, & Others	010	030	0301	0235	03B	12,875	15,000	27,875	27,875
Revenue	Misc Special Services	010	030	0301	4095	na	15,000	(15,000)	0	0
Appropriation	Contingency Reserve	130	800	8000	8003	30H	176,937	(27,000)	149,937	149,937
Appropriation	Thurman Field Pressbox	130	310	J890	6040	890	389,000	27,000	416,000	416,000
Appropriation	Contingency Reserve	131	800	8000	8003	13U	92,859	(92,000)	859	859
Appropriation	Police Vehicles	131	190	J898	6070	898	0	92,000	92,000	92,000
Appropriation	Contingency Reserve	720	800	8000	8003	72R	2,719,582	(50,000)	2,669,582	2,669,582
Appropriation	Transfer out to 010	720	700	7000	7010	72G	0	50,000	50,000	50,000
Revenue	Transfer in from 720	010	700	7000	9720	na	0	50,000	50,000	50,000
Appropriation	Technical Rescue Vehicles	010	180	1822	5424	18J	0	50,000	50,000	50,000
Revenue	Contingency Reserve *	010	800	8000	8003			(154,000)		0
Revenue	Fed Grant - Troops to COPs	010	190	1901	3508	na	227,000	(77,000)	150,000	
Revenue	Citizen Option 4 Public Safety	010	190	1921	3502	na	77,000	(77,000)	0	150,000
Appropriation	Contingency Reserve	890	800	8000	8003	89H	289,164	(33,380)	255,784	255,784
Appropriation	Intergovernmental Services	890	450	4532	0240	89Q	0	33,380	33,380	33,380

Schedule A
Third Quarter Report FY 97-98
Budget Adjustment Details

Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget ($)	Adjustment Amount ($)	Revised Budget ($)	Document Total
Revenue	Custodial Charges	780	490	4912	4910	na	984,639	51,304	1,035,943	
Appropriation	Custodial Charges	780	490	4912	0210	49B	252,714	51,304	304,018	
Appropriation	Salary & Wages	010	190	1961	0110	19A	7,083,759	(40,000)	7,043,759	
Appropriation	Custodial Services - City Force	010	190	1961	0250	19C	137,415	40,000	177,415	7,221,174
Appropriation	Salary & Wages	010	480	4801	0110	48A	194,243	(3,000)	191,243	
Appropriation	Custodial Services - City Force	010	480	4801	0250	48C	27,298	3,000	30,298	
Appropriation	Salary & Wages	610	480	5012	0110	61A	1,650,137	(5,000)		
Appropriation	Custodial Services - City Force	610	480	5012	0250	61C	15,483	5,000	20,483	
Appropriation	Salary & Wages	628	480	5313	0110	68A	320,157	(3,304)	316,853	
Appropriation	Custodial Services - City Force	628	480	5313	0250	68C	5,338	3,304	8,642	
Appropriation	Contingency Reserve	135	800	8000	8003	13W	36,998	19,980	56,978	56,978
Revenue	Transfer in from 010	135	700	7000	9010	na	0	19,980	19,980	19,980
Appropriation	Transfer out to 135	010	700	7000	7135	01G	0	19,980	19,980	19,980
Appropriation	Utilities	010	370	3713	0210	37B	27,933	(2,891)	25,042	
Appropriation	Services, Prof, & Other	010	370	3713	0235	37B	6,226	(1,850)	4,376	
Appropriation	Chemical & Lab Spplies	010	370	3713	0312	37D	26,682	(15,239)	11,443	40,861
Revenue	Developer Contribution	130	510	9510	4058	na	0	106,000	106,000	106,000
Appropriation	Merle Ave Wastewater/Storm I	130	430	J896	6040	896	0	106,000	106,000	106,000
Appropriation	Contingency Reserve	621	800	8000	8003	62H	10,637,618	(3,200,000)	7,437,618	7,437,618
Appropriation	North Trunk Extension	621	480	H386	0386	6010	300,000	97,000	397,000	
Appropriation	North Trunk Extension	621	480	H386	0386	6030	0	180,000	180,000	
Appropriation	North Trunk Extension	621	480	H386	0386	6040	0	2,482,000	2,482,000	
Appropriation	North Trunk Extension	621	480	H386	0386	6050	0	245,000	245,000	
Appropriation	North Trunk Extension	621	480	H386	0386	6060	0	196,000	196,000	3,500,000
Appropriation	Contingency Reserve	113	800	8000	8003	22H	0	(3,243)	(3,243)	(3,243)
Appropriation	Salary & Wages	113	140	1452	0110	22A	168,019	2,599	170,618	
Appropriation	Pub Emp Retire Sys (PERS)	113	140	1452	0160	22A	23,490	644	24,134	194,752
Appropriation	Contingency Reserve	628	800	8000	8003	68H	278,444	(1,430)	277,014	277,014
Appropriation	Salary & Wages	628	440	5314	0110	68P	28,153	1,155	29,308	
Appropriation	Pub Emp Retire Sys (PERS)	628	440	5314	0160	68P	3,809	275	4,084	33,392
Appropriation	Contingency Reserve	651	800	8000	8003	65H	1,770,519	(11,593)	1,758,926	1,758,926
Appropriation	Salary & Wages	651	160	1672	0110	65A	134,520	9,249	143,769	
Appropriation	Pub Emp Retire Sys (PERS)	651	160	1672	0160	65A	18,204	2,344	20,548	164,317
Appropriation	Contingency Reserve	731	800	8000	8003	73H	(3,211)	(7,051)	(10,262)	(10,262)
Appropriation	Salary & Wages	731	030	0372	0110	73A	211,522	5,508	217,030	
Appropriation	Pub Emp Retire Sys (PERS)	731	030	0372	0160	73A	29,650	1,543	31,193	248,223
Appropriation	Contingency Reserve * (sum of all *)	010	800	8000	8003	01H	10,677,603	(504,767)	10,172,836	10,172,836

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-223

A RESOLUTION APPROVING AN AMENDMENT TO CONSULTANT AGREEMENT BETWEEN THE CITY OF MODESTO AND MID VALLEY ENGINEERING FOR THE PROJECT TITLED "YOSEMITE WIDENING - MCCLURE TO FRAZINE"

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to consultant agreement between the City of Modesto and Mid Valley Engineering for the project titled "Yosemite Widening - McClure to Frazine be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-224

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE ADDITIONAL REVENUE

WHEREAS, a portion of the Yosemite Widening Project was included in the State Local Partnership Program (SLTP) Cycle 8 which provides funding for projects that meet program criteria; and

WHEREAS, the amount of funding available from this program was not known when the project was awarded and was not included in the budget. Since project award, it has been determined that the City will receive approximately $142,000 in SLTP funding for the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
#141-430-3138 State Share of Project	$142,000
Expenditure	
#141-430-F701-6040 Claus/Yosemite/Norseman Intersection	$ 23,000
#141-800-8000-8003 Contingency Reserve	$118,900

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-225

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ADRIANNA PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP FOR VILLAGE I CENTRAL STORM BASIN EXCAVATION AND FEE CREDIT AGREEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Adrianna Properties, a California Limited Partnership for Village I Central Storm Basin Excavation and Fee Credit Agreement be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-226

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF NORMAN PORGES FROM THE ECONOMIC DEVELOPMENT LOAN COMMITTEE, EFFECTIVE APRIL 28, 1998

WHEREAS, Norman Porges was appointed a member of the Economic Development Loan Committee on September 10, 1991; and

WHEREAS, Norman Porges has tendered his resignation from the Economic Development Loan Committee, effective April 28, 1998; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Norman Porges from the Economic Development Loan Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-227

A RESOLUTION APPOINTING A CHAIR AND SIXTEEN MEMBERS TO THE BLUE RIBBON COMMITTEE ON BUDGET CONTINGENCY PLANNING

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

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

SECTION 1. Wayne Henry, Chair, and members Marsena Buck, Jerry Clendenin, Ralph Curtis, Mark Dunker, Bernie Fairfield, Denise Fontaine, John Herlihy, Al Kaufman, Mike Lipomi, Mike Marovich, Virgil McVicker, Chris Reardon, John Shores, John Sniffen, Steve Spriggs, and Terrance Withrow are hereby appointed to the Blue Ribbon Committee on Budget Contingency Planning.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Blue Ribbon Committee on Budget Contingency Planning, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-228

Print

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(529). (JIM CLICK)

WHEREAS, a verified application for an amendment to Section 32-3-9 of the Zoning Map was filed by Jim Click on February 9, 1998, to reclassify from Medium Residential Zone, R-2, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(529), to allow a fast food restaurant and retail commercial building, property located on the northeast corner of N. Martin Luther King Drive and Paradise Road, described as follows:

C-1 to P-D(529)

Lots 1 and 2 and the south 40 feet of Lot 14 in Block 343.

R-2 to P-D(529)

Lots 3, 4, 5, and 6 and the north 111.11 feet of Lot 14 in Block 343 of the Paradise Tract.

Including also the north one-half and east one-half of adjoining Paradise Avenue and N. Martin Luther King Drive respectively, and the south one-half of the alley, all immediately adjoining the above-described property.

and

WHEREAS, after a public hearing held on April 6, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-30, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed planned development zone, by reason of its plot plan design and conditions of approval is compatible with existing and potential surrounding development.

2. That the requested planned development zone for commercial uses is within an area designated by the General Plan for(MU) Mixed Uses and (RPD) Redevelopment Planning District.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 5, 1998 , 1998, in the City Council Chambers, City Hall, 801 11th 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 Jim Click for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-30 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3088 -C.S. on the 5th day of May , 1998, reclassifying the above-described property from Medium Residential Zone, R-2, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(529).

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

1. All development shall conform to the plot plan and floor plans titled "Commercial Plot Plan, Paradise/Martin Luther King Project" as amended in red, stamped approved by the City Council on May 5, 1998.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Director. Screen landscaping shall be installed along the north property line adjacent to the parking area. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

   Eight-foot-high decorative masonry wall along the north property line as shown on the approved plot plan.

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

5. Street dedication including five feet along N. Martin Luther King Drive, thirteen feet along Paradise Avenue, and a 40-foot corner radius consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

7. Trash cans shall be screened from view from any public street.

8. Any business may be open to the public only between the hours of 7:00 a.m. and 10:00 p.m., seven days a week, unless a use permit for each business seeking additional hours is obtained from the Board of Zoning Adjustment.

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

10. All signs shall comply with the sign requirements of the C-3 Zone.

11. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims,

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(529):

The entire construction program be accomplished in one phase, construction to begin on or before April 6, 2000, and completion to be not later than April 6, 2001.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(529), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

Click 3

MODESTO CITY COUNCIL
RESOLUTION NO. 98-229

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 32-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, AND NEIGHBORHOOD COMMERCIAL ZONE, C-1, TO PLANNED DEVELOPMENT ZONE, P-D(529), PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. MARTIN LUTHER KING DRIVE AND PARADISE ROAD TO ALLOW A FAST FOOD RESTAURANT AND RETAIL COMMERCIAL BUILDING. (JIM CLICK)

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

WHEREAS, Jim Click has proposed that the zoning designation for the property located on the northeast corner of N. Martin Luther King Drive and Paradise Road, be amended to rezone from Medium Density Residential Zone, R-2, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(529), in the City of Modesto ("the project"), to allow a fast food restaurant and retail commercial building, and

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

WHEREAS, on March 18, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-13 reviewed the proposed amendment to the Zoning Map and rezone to P-D(529) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(529) project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto
Initial Study

EA NO. 98-13

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to rezone from R-2, Medium Density Residential Zone and C-1, Neighborhood commercial Zone to P-D, Planned Development Zone. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION

A. Project title:
Application of Jim Click to Rezone From R-2 and C-1 to P-D for a Fast Food Restaurant and Retail Commercial Development With Off-Street Parking, Property Located on the Northeast Corner of North Martin Luther King Drive and Paradise Avenue

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

C. Contact person, address and phone number:
Jim Click
102 Crossing Way
Folsom, CA. 95630-5512
phone (916) 984-5306

D. Project Location:
Property located on the northeast corner of North Martin Luther King Drive and Paradise Road

E. Project sponsor:
Jim Click

F. General Plan Designation:
Mixed Use (MU) and Redevelopment Planning District(RPD)

G. Zoning:
existing R-2 and C-1

H. Description of Proposed Project:
This is an application to rezone from R-2 and C-1 to P-D for a fast food restaurant, a one-story retail commercial building and a 51-space off-street parking area on approximately a one acre site located at the northeast corner of North Martin Luther King Drive and Paradise Avenue. Access to this proposed commercial development will be from one 30-foot wide drop approach driveway each on Paradise Avenue and North Martin Luther King Drive. The applicant proposes an efficient parking lot design located between the restaurant and the commercial building. The restaurant design will include a drive-thru aisle which will enter and exit from the parking lot area. A solid eight-foot masonry wall will separate the proposed commercial use from the adjacent alley and residential neighborhood to the north. Surrounding land uses include: residential dwellings to the north, east, and south; a neighborhood commercial center and strip commercial uses are located to the west along Paradise Road.

I. Surrounding land uses:
see (H. above)

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

Development of the proposed planned development zone and resulting commercial use will generate a small increase of traffic in the area. A site traffic mitigation study was not required for this development as part of this rezoning. Development of the proposed office use is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. Degradation of Air Quality

This proposed rezoning and commercial use is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air

Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**
The proposed planned development zone and commercial use is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of residential and commercial uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent residential neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**
The proposed planned development zone and commercial use is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned for R-2 and C-1 uses. The requested P-D Zone will allow commercial uses, subject to conditions of approval. This property is also within the Mixed Use (MU) and Redevelopment Planning District (RPD) areas as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**
The proposed planned development zone and commercial uses will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. **Increased Demand for Sanitary Sewer Services**
The proposed planned development zone and commercial uses will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**
The proposed planned development zone and commercial uses are in a built-up urban area and will not impact sensitive wildlife or any plant

habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**
This proposed planned development zone and commercial uses will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. **Drainage, Flooding and Water Quality**
The proposed planned development zone and commercial uses will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

J. **Increased Demand for Storm Drainage**
The proposed planned development zone and commercial uses will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

K. **Increased Demand for Parks and Open Space**
This proposed planned development zone and commercial uses will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. **Increased Demand for Schools**
The proposed planned development zone and commercial uses will not impact the Modesto School system, as this facility will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to

a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

M. **Increased Demand for Police Services**
This proposed planned development zone and commercial uses will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. **Increased Demand for Fire Services**
This proposed planned development zone and commercial uses will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 2 is located approximately onehalf mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.

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

P. **Generation of Hazardous Materials**
The planned development zone and commercial uses will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. **Landslides and Seismic Activity**
The planned development zone and commercial uses will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. **Energy**
This planned development zone and commercial uses will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are,

therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed rezoning from R-2 and C-1 to P-D for a professional office development is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).

B. The proposed rezoning and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

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

Signature: _____ Date: 3/18/98

1- ATTY
1- C.D.D. - Current Admin
1- C.D.D. - John Stack

MODESTO CITY COUNCIL
RESOLUTION NO. 98-230

A RESOLUTION ACCEPTING THE BID OF MID-VALLEY INVESTIGATIONS & SECURITY OF MODESTO FOR THE PURCHASE OF UNIFORMED SECURITY GUARD SERVICES FOR FY98/99

WHEREAS, the bids received for Uniformed Security Guard Services for FY98/99 were opened at 11:00 a.m. on February 27, 1998, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Mid-Valley Investigations & Security of Modesto be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $96,652.80 from Mid-Valley Investigations & Security of Modesto be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-231

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "RIVER ROAD PUMP STATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled River Road Pump Station, has been completed by Amerine Systems Inc., in accordance with the contract agreement dated February 11, 1997.

NOW, THEREFORE, BE IT RESOLVED that the River Road Pump Station be accepted from said contractor, Amerine Systems Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $135,464.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-232

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF FIFTEEN REMOTE TERMINAL UNITS FOR THE SCADA SYSTEM FROM HSQ TECHNOLOGY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Fifteen Remote Terminal Units for the SCADA System from HSQ Technology is hereby waived.

BE IT FURTHER RESOLVED that purchase of Fifteen Remote Terminal Units for the SCADA System from HSQ Technology for a not to exceed price of $81,281.25.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-233

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE ESTABLISHMENT OF AND PARTICIPATION IN THE STANISLAUS OPERATIONAL AREA ORGANIZATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County for the Establishment of and Participation in the Stanislaus Operational Area Organization be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk (S

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-234

A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6, the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in

accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk 9

MODESTO CITY COUNCIL
RESOLUTION NO. 98-235

Print

A RESOLUTION ORDERING THE ENGINEERING AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS NO. 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972 (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution which shall generally describe any proposed new improvements or any substantial changes in existing improvements and order the engineer to prepare and to file a report accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that there being no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows

Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, the Engineering and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-236

A RESOLUTION AMENDING ATTACHMENT "A" OF RESOLUTION NO. 97-430 TO ADD SPIRITUAL ASSEMBLY OF THE BAHÁ'ÍS OF MODESTO TO THE LIST OF REGULAR USER GROUPS WITHOUT AGREEMENT.

WHEREAS, on July 22, 1997, the City Council adopted Resolution No. 97-430 which included a grandfather clause for all regular users (groups and/or organizations) that use a rental facility daily, weekly, bi-weekly and/or monthly, and

WHEREAS, Attachment "A" to Resolution No. 97-430 set forth the use priority descriptions, the grandfather clause and the list of regular user groups without agreement, and

WHEREAS, City staff has received a request from Spiritual Assembly of the Bahá'ís of Modesto that they be added to the list of regular user groups without agreements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the request from Spiritual Assembly of the Bahá'ís of Modesto to be added to the list of regular user groups without agreements, as set forth on Attachment "A", attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution No. 97-430 is hereby amended effective the date of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

USE PRIORITY DESCRIPTIONS

Use Priority

1. Ordinance, Resolution, Policy or Written Agreement
   Fee set according to provisions.
   In addition, all regular users who do not have an existing agreement with the City, and who have rented a facility for a minimum of two years prior to the implementation of the July 1996 Rental Facilities Use and Fee Policy.

2. City of Modesto Departments and Parks and Recreation Department Programs and/or co-sponsored Programs
   Co-sponsored Programs are those that: are initiated by the P&R Department; are in collaboration and/or partnership with P&R; or have met specific criteria of the Department and have a written and approved contract/agreement. Many youth sports organizations are in this use priority.
   Also included are City of Modesto staff meetings and other functions where staff attendance is mandatory.
   Regular Use: No Fee
   Fundraiser: 50% of cost-of-service or full fee (if set at other than COS)

3. City of Modesto Departments, Local Public/Private Schools and Colleges, Public Agencies, and certain Non-profit Groups/Organizations
   Included: City of Modesto functions/activities where staff attendance is not required, but activity is approved by Department Head; school activities approved by the District Superintendent; agency activities approved by agency administrator; local agencies whose programs are open to the public and are for youth or senior citizens
   Regular Use: 50% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS)
   In addition, staffed for King Kennedy Memorial Center users, unstaffed for all other facility users, with the stipulation that the rental times coincide with established facility rental time periods, remain at the current number of hours, remain at the same facility, and remain at the same rental fee, acknowledging that if a renter wished to increase rental hours, the appropriate use priority and rental fee, as defined in the current policy, should be assessed.

4. Local (Modesto Mailing Address) Non-profit Groups/Organizations, P&R Department Adult Sports Leagues
   includes non-profit groups who do not meet criteria of use priority #3, but have local mailing address. P&R Adult Sports Leagues only apply during time league is conducted. Teams must be verified on current league roster.
   Regular Use: 75% of cost of service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS)

5. Non-local Public/Private Schools and Colleges, and Public Agencies; fundraisers also required % of gross to be paid to City.
   School activities require approval of District Superintendent. Agency activities require approval of agency administrator.
   Regular Use: 100% of cost of service of full fee (if set at other than COS)
   Fundraiser: 100% of cost of service or full fee (if set at other than COS), plus negotiated % of gross receipts.

6. Non-Local Non-profit Groups/Organizations; fundraisers also require % of gross to be paid to City
   Regular Use: 100% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS), plus negotiated % of gross receipts

7. Commercial for-profit Enterprise and Private Citizens; fundraisers also require % of gross to be paid to City.
   Regular Use: 100% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS), plus negotiated % of gross receipts.

GRANDFATHER CLAUSE

All regular users who do not have an existing agreement with the City, and who have rented a facility for a minimum of two years prior to the implementation of the July 1996 Rental Facilities Use and Fee Policy, shall be granted Use Priority #1, staffed, for King Kennedy Memorial Center users and shall be granted Use Priority #3, unstaffed for all other facility users, with the stipulation that the rental times coincide with established facility rental time periods, remain at the current number of hours, remain at the same facility, and remain at the same rental fee, acknowledging that if a renter wished to increase rental hours, the appropriate use priority and rental fee, as defined in the current policy, should be assessed.

City of Modesto Community Services and Neighborhood Connections Department

Rental Facilities Use and Fee Policy
"Grandfather Clause"

Regular User Groups Without Agreement - June, 1997

Group and Annual Uses	Past Fee Per Use	Current Fee Per Use (Adopted July, 1996)	Priority #3 Fee Per Use (Currently Recommended)	Per Use $ Change (From Current Adopted Fee to Priority #3 Fee)
Classic Chevy Club (12)	54.00	200.00	100.00	-100.00
Comite Mexicano (12)	9.00	40.00	20.00	-20.00
Genealogical Soc. Stan Co (12)	54.00	200.00	100.00	-100.00
Golden Valley Kennel Club (12)	70.00	200.00	100.00	-100.00
Home & Garden Club (12)	9.00	40.00	20.00	-20.00
Houndsmen Club (12)	38.00	76.00	38.00	-38.00
Immanuel Faith Church (52)	54.00	200.00	100.00	-100.00
La Edad De Oro (12)	9.00	40.00	20.00	-20.00
Modesto Color Camera Club (12)	38.00	56.00	28.00	-28.00
Modesto Dollars Club (12)	9.00	40.00	20.00	-20.00
Modesto Rose Society (12)	9.00	40.00	20.00	-20.00
Nat. Assoc Retired Fed Empl (12)	9.00	40.00	20.00	-20.00
St Andrews Society (12)	38.00	56.00	28.00	-28.00
Sociedad Morelos (12)	9.00	40.00	20.00	-20.00
Ballroom Dance Club, Inc. (24)	100.00	105.00	52.00	-53.00
Forever Young Sr. Citizens Potlucks (52) Dances (12)	 54.00 100.00	 105.00 172.00	 52.00 52.00	 -53.00 -86.00
Royal Neighbors of America	54.00 54.00	33.00 52.00	33.00 52.00	-0- -0-
Royal Order of Caritas	54.00	33.00	33.00	-0-
Native Daughters (12) (12)	54.00 54.00	49.00 78.00	33.00 52.00	-16.00 -26.00
Single Skirts "N" Flirts (11)	100.00	78.00	52.00	-26.00
Squarenaders	54.00 54.00	23.00 52.00	23.00 52.00	-0- -0-

Group and Annual Uses	Past Fee	Current Fee Per Use (Adopted July, 1996)	Priority #1 Fee Per Use (Currently Recommended)	Per Use $ Change (From Current Fee to Priority #1 Fee)
Silver Squares (24)	No Fee	131.00	No Fee	-131.00
Eastern Star (24)	No Fee	131.00	No Fee	-131.00

Regular User Group Without Agreement Added May, 1998

Group and Annual Uses	Past Fee	Current Fee Per Use (Adopted July, 1996-FY 97/98 fees)	Priority #3 Fee Per Use (Currently Recom medned FY 97/98)	Per Use $ Change (From Current Fee to Priority #3 Fee)
Baha's of Modesto - BSCH (24)	9.00	47.00	32.00	-15.00
Baha's of Modesto - MCSC (1)	aud 140.00 classroom 76.00	246.00 60.00	165.00 45.00	-81.00 -15.00

Regular User Groups With Agreement - June, 1997

Group	Fee
Modesto Sr. Citizens, Inc.	No Fee
Central Calif. Art League	No Fee
Modesto Garden Club	Limited Fee with Work Program
McHenry Museum Board	No Fee
McHenry Museum Docents	No Fee
Salvation Army	No Fee

Distribution List For
Fees Resolutions

2 - City Clerk
1 - Rosemarie, Attorney's Office
1 - Finance Department
1 - Initiating Department ~~P+R~~ CSNC Linda McDermott
and 1 - Carolyn - CSNC

RESCINDED
3-23-04
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2004-167

MODESTO CITY COUNCIL
RESOLUTION NO. 98-237

A RESOLUTION RESTATING A COMPREHENSIVE USE POLICY AND FEE SCHEDULE FOR USE OF FACILITIES AND SERVICES PROVIDED BY THE CITY OF MODESTO COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS DEPARTMENT AND ADDING A POLICY FOR CO-SPONSOR PROGRAMS WITH NON-PROFIT AND PUBLIC ORGANIZATIONS AND SUPERSEDING RESOLUTIONS NOS. 96-397, 97-430, 98-26, and 98-236.

WHEREAS, pursuant to City Council Resolution No. 96-397, adopted by the Council on July 16, 1996, the Parks and Recreation Department implemented for the next three fiscal years a fee schedule based on cost-of-service with a three (3) percent Consumer Price Index (CPI) increase for use of facilities and services provided by the Parks and Recreation Department, and

WHEREAS, pursuant to City Council Resolution No. 96-397, a comprehensive use policy was also implemented for the use of facilities and services provided by the Parks and Recreation Department in order to provide a fairer and more equitable use and fee structure, which included seven use priorities as set forth in Attachment "A" attached to said Resolution No. 96-397, and

WHEREAS, pursuant to City Council Resolution No. 96-397, the facilities and services provided by the Parks and Recreation Department were grouped into rental categories as set forth in Attachment "B" attached to said Resolution No. 96-397 and this resolution, and

WHEREAS, pursuant to City Council Resolution No. 96-397, fees for facilities and services were implemented as set forth in Attachment "B" to Resolution No. 96-397 for the following categories: B - Buildings, C - Mancini Bowl and John Thurman Field, D -

City/School Multi-Purpose Facilities, E - Horseshoe Pits, F - Miscellaneous, G - Picnic Areas and/or Picnic Shelters, H - Sports Fields, I - Community-wide Special Events (Staffing and Vehicle Costs), J - Special Park and Facility Uses, and K - Tennis Courts, and

WHEREAS, the calculated fees for each facility or service were set forth in Attachment "D" attached to said Resolution No. 96-397, and

WHEREAS, fees for rental category A, Aquatic Facilities, were not included in the July, 1996, proposal, as they had previously been approved by the City Council separately, pursuant to City Council Resolution No. 95-263, and

WHEREAS, pursuant to Resolution No. 97-430 adopted by the City Council on July 22, 1997, Attachment "A" to Resolution No. 96-397 was amended to include a grandfather clause for all regular users (groups and/or organizations) that use a rental facility daily, weekly, bi-weekly and/or monthly, and

WHEREAS, pursuant to City Council Resolution No. 98-26, adopted on January 13, 1998, Attachment "D" to Resolution No. 96-397 was amended to revise the rental fees for use of the auditorium/kitchen and classrooms at the Modesto Community Service Center, and

WHEREAS, pursuant to Resolution No. 98-236 adopted by the City Council on May 5, 1998, the Council amended the list of Regular User Groups Without Agreement, Attachment "A" to Resolution No. 97-430, to add the Spiritual Assembly of the Bahá'ís of Modesto, and

WHEREAS, on May 5, 1998, the Council considered amending the Rental Facilities Use and Fee Policy to include a policy for co-sponsor programs with non-profit and public organizations, and

WHEREAS, it is desirable that one resolution be adopted which would restate the comprehensive use policy and fee schedule and incorporate the various amendments as mentioned above and that it would be appropriate to supersede those resolutions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the comprehensive use policy is hereby amended to include a policy for co-sponsor programs with non-profit and public organizations as set forth in Attachment "D" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that said comprehensive use policy and fees for facilities and services provided by the former Parks and Recreation Department and previously approved by the Council are hereby restated and set forth in Attachments "A", "B", "C", and "D" attached hereto and incorporated herein by reference for use of facilities and services provided by the Community Services and Neighborhood Connections Department:

Attachment "A", entitled Use Priority Descriptions (includes grandfather clause and list of regular user groups without agreement)

Attachment "B", entitled Rental Categories

Attachment "C", entitled 1998-99 Fees

Attachment "D", entitled Co-Sponsor Programs with Non-Profit and Public Organizations

BE IT FURTHER RESOLVED that Resolutions Nos. 96-397, 97-430, 98-26 and 98-236 are hereby superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

USE PRIORITY DESCRIPTIONS

Use Priority

1. Ordinance, Resolution, Policy or Written Agreement
   Fee set according to provisions.
   In addition, all regular users who do not have an existing agreement with the City, and who have rented a facility for a minimum of two years prior to the implementation of the July 1996 Rental Facilities Use and Fee Policy.

2. City of Modesto Departments and Parks and Recreation Department Programs and/or co-sponsored Programs
   Co-sponsored Programs are those that: are initiated by the P&R Department; are in collaboration and/or partnership with P&R; or have met specific criteria of the Department and have a written and approved contract/agreement. Many youth sports organizations are in this use priority.
   Also included are City of Modesto staff meetings and other functions where staff attendance is mandatory.
   Regular Use: No Fee
   Fundraiser: 50% of cost-of-service or full fee (if set at other than COS)

3. City of Modesto Departments, Local Public/Private Schools and Colleges, Public Agencies, and certain Non-profit Groups/Organizations
   Included: City of Modesto functions/activities where staff attendance is not required, but activity is approved by Department Head; school activities approved by the District Superintendent; agency activities approved by agency administrator; local agencies whose programs are open to the public and are for youth or senior citizens
   Regular Use: 50% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS)
   In addition, staffed for King Kennedy Memorial Center users, unstaffed for all other facility users, with the stipulation that the rental times coincide with established facility rental time periods, remain at the current number of hours, remain at the same facility, and remain at the same rental fee, acknowledging that if a renter wished to increase rental hours, the appropriate use priority and rental fee, as defined in the current policy, should be assessed.

4. Local (Modesto Mailing Address) Non-profit Groups/Organizations, P&R Department Adult Sports Leagues
   includes non-profit groups who do not meet criteria of use priority #3, but have local mailing address. P&R Adult Sports Leagues only apply during time league is conducted. Teams must be verified on current league roster.
   Regular Use: 75% of cost of service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS)

5. Non-local Public/Private Schools and Colleges, and Public Agencies; fundraisers also required % of gross to be paid to City.
   School activities require approval of District Superintendent. Agency activities require approval of agency administrator.
   Regular Use: 100% of cost of service of full fee (if set at other than COS)
   Fundraiser: 100% of cost of service or full fee (if set at other than COS), plus negotiated % of gross receipts.

6. Non-Local Non-profit Groups/Organizations; fundraisers also require % of gross to be paid to City
   Regular Use: 100% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS), plus negotiated % of gross receipts

7. Commercial for-profit Enterprise and Private Citizens; fundraisers also require % of gross to be paid to City.
   Regular Use: 100% of cost-of-service or full fee (if set at other than COS)
   Fundraiser: 100% of cost-of-service or full fee (if set at other than COS), plus negotiated % of gross receipts.

GRANDFATHER CLAUSE

All regular users who do not have an existing agreement with the City, and who have rented a facility for a minimum of two years prior to the implementation of the July 1996 Rental Facilities Use and Fee Policy, shall be granted Use Priority #1, staffed, for King Kennedy Memorial Center users and shall be granted Use Priority #3, unstaffed for all other facility users, with the stipulation that the rental times coincide with established facility rental time periods, remain at the current number of hours, remain at the same facility, and remain at the same rental fee, acknowledging that if a renter wished to increase rental hours, the appropriate use priority and rental fee, as defined in the current policy, should be assessed.

City of Modesto Community Services and Neighborhood Connections Department

Rental Facilities Use and Fee Policy
"Grandfather Clause"

Regular User Groups Without Agreement - June, 1997

Group and Annual Uses	**Past Fee Per Use**	**Current Fee Per Use** (Adopted July, 1996)	**Priority #3 Fee Per Use** (Currently Recommended)	**Per Use $ Change** (From Current Adopted Fee to Priority #3 Fee)
Classic Chevy Club (12)	54.00	200.00	100.00	-100.00
Comite Mexicano (12)	9.00	40.00	20.00	-20.00
Genealogical Soc. Stan Co (12)	54.00	200.00	100.00	-100.00
Golden Valley Kennel Club (12)	70.00	200.00	100.00	-100.00
Home & Garden Club (12)	9.00	40.00	20.00	-20.00
Houndsmen Club (12)	38.00	76.00	38.00	-38.00
Immanuel Faith Church (52)	54.00	200.00	100.00	-100.00
La Edad De Oro (12)	9.00	40.00	20.00	-20.00
Modesto Color Camera Club (12)	38.00	56.00	28.00	-28.00
Modesto Dollars Club (12)	9.00	40.00	20.00	-20.00
Modesto Rose Society (12)	9.00	40.00	20.00	-20.00
Nat. Assoc Retired Fed Empl (12)	9.00	40.00	20.00	-20.00
St Andrews Society (12)	38.00	56.00	28.00	-28.00
Sociedad Morelos (12)	9.00	40.00	20.00	-20.00
Ballroom Dance Club, Inc. (24)	100.00	105.00	52.00	-53.00
Forever Young Sr. Citizens Potlucks (52) Dances (12)	 54.00 100.00	 105.00 172.00	 52.00 52.00	 -53.00 -86.00
Royal Neighbors of America	54.00 54.00	33.00 52.00	33.00 52.00	-0- -0-
Royal Order of Caritas	54.00	33.00	33.00	-0-
Native Daughters (12) (12)	54.00 54.00	49.00 78.00	33.00 52.00	-16.00 -26.00
Single Skirts "N" Flirts (11)	100.00	78.00	52.00	-26.00
Squarenaders	54.00 54.00	23.00 52.00	23.00 52.00	-0- -0-

Group and Annual Uses	**Past Fee**	**Current Fee Per Use** (Adopted July, 1996)	**Priority #1 Fee Per Use** (Currently Recom mended)	**Per Use $ Change** (From Current Fee to Priority #1 Fee)
Silver Squares (24)	No Fee	131.00	No Fee	-131.00
Eastern Star (24)	No Fee	131.00	No Fee	-131.00

Regular User Group Without Agreement Added May, 1998

Group and Annual Uses	Past Fee	Current Fee Per Use (Adopted July, 1996-FY 97/98 fees)	Priority #3 Fee Per Use (Currently Recom medned FY 97/98)	Per Use $ Change (From Current Fee to Priority #3 Fee)
Baha's of Modesto - BSCH (24)	9.00	47.00	32.00	-15.00
Baha's of Modesto - MCSC (1)	aud 140.00 classroom 76.00	246.00 60.00	165.00 45.00	-81.00 -15.00

Regular User Groups With Agreement - June, 1997

Group	Fee
Modesto Sr. Citizens, Inc.	No Fee
Central Calif. Art League	No Fee
Modesto Garden Club	Limited Fee with Work Program
McHenry Museum Board	No Fee
McHenry Museum Docents	No Fee
Salvation Army	No Fee

COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS
RENTAL CATEGORIES

A Aquatic facilities	B Buildings	C Mancini & Thurman	D Multi-purpose Facilities	E Horseshoe Pits	F Misc. Equipment
Beyer HS Pool	Boy Scout Clubhouse	Mancini Bowl	La Loma MPF	Beyer Park	Assistive Listening Dev
Davis HS Pool	Maddux Youth Center	John Thurman Field	Mark Twain MPF	Enslen Park	Sports Equipment Bags
Downey HS Pool	Modesto Com Svce Ctr		Roosevelt MPF	Davis Park	
Johansen HS Pool	McHenry Mansion		Somerset MPF	Downey Park	
Modesto HS Pool	McHenry Museum				
Modesto JC Pool	McClatchy Square				
Susan Burris Pool	King Kennedy Mem Ctr				
Park Pools	Senior Citizens Ctr				

G Picnic Areas/Shelters	H Sports Fields		I Community-Wide Events	J Special Uses	K Tennis Courts
Beyer Park	Beard Brook Softball	Neighborhood Park	Co-Sponsored	Filming	Beyer Park (6)
Davis Park	Beyer Softball (2)	Soccer Fields	Non-profit Sponsored	Barbecue Trailer	Davis Park (6)
Downey Park	Davis Softball	Neighborhood Park	For-profit	Portable Stage	Downey Park (6)
East La Loma Park	Davis Baseball	Youth Softball Fields		Portable Awning	East La Loma Park (4)
Beard Brook Park	Downey Baseball	Neighborhood Park		Portable P.A. System	Graceada Park (6)
Beard Brook T-Shelter	Thurman Soccer	Football Fields		Sales Permits Adj to Parks	Modesto High School (4)
Graceada Park	Bellenita Softball			Special Perk Use	Johansen High School (9)
Mellis Park	Enslen Baseball			Parking Lot Use	Roosevelt Park (4)
Moose Park	Enslen Softball			Trail Use	

1998-99 Fees

Attachment "C"

FACILITY	PRIORITY 2		PRIORITY 3		PRIORITY 4		ALL OTHERS	
	REG USE	FUNDRAISER	REG USE	FUNDRAISER	REG USE	FUNDRAISER	REG USE	FUNDRAISER
Boy Scout Clubhouse								
per 4 hours unstaffed	$0	$43	$43	$86	$65	$86	$86	$86
per 4 hours staffed	$0	$67	$67	$134	$101	$134	$134	$134
8am-5 pm or 1pm-10pm unstaffed	$0	$69	$69	$138	$104	$138	$138	$138
8am-5 pm or 1pm-10pm staffed	$0	$120	$120	$239	$179	$239	$239	$239
all day unstaffed	$0	$95	$95	$190	$143	$190	$190	$190
all day staffed	$0	$173	$173	$345	$259	$345	$345	$345
Maddux Youth Center								
per 2 hours staffed	$0	$72	$72	$143	$107	$143	$143	$143
each additional 2 hours staffed	$0	$46	$46	$92	$69	$92	$92	$92
Mancini Bowl								
per 4 hours	$0	$80	$80	$160	$90	$160	$160	$160
all day	$0	$120	$120	$240	$180	$240	$240	$240
McClatchy Square								
per 5 hours staffed, w/o street closure	$0	$111	$111	$222	$166	$222	$222	$222
per 5 hours staffed, with street closure	$0	$213	$213	$425	$319	$425	$425	$425
each additional 1/2 hour	$0	$5	$5	$10	$8	$10	$10	$10
McHenry Mansion (1st floor, basement,garden)								
per 5 hours staffed	$0	$253	$253	$507	$380	$507	$507	$507
each additional 1/2 hour	$0	$22	$22	$44	$33	$44	$44	$44
McHenry Museum Auditorium								
per 2 hours unstaffed	$0	$41	$41	$82	$62	$82	$82	$82
per 2 hours staffed	$0	$57	$57	$113	$85	$113	$113	$113
each additional 2 hours unstaffed	$0	$21	$21	$42	$32	$42	$42	$42
each additional 2 hours staffed	$0	$33	$33	$66	$50	$66	$66	$66
McHenry Museum Entire Facility								
per 4 hours staffed	$0	$213	$213	$426	$319	$426	$426	$426
each additional hour	$0	$21	$21	$43	$32	$43	$43	$43
Modesto Comm Svce Ctr Auditorium & Kitchen								
per 4 hours unstaffed	$0	$57	$57	$113	$75	$113	$113	$113
per 4 hours staffed	$0	$80	$80	$158	$105	$158	$158	$158
8am-5 pm or 1pm-10pm unstaffed	$0	$114	$114	$226	$150	$226	$226	$226
8am-5 pm or 1pm-10pm staffed	$0	$160	$160	$316	$210	$316	$316	$316
all day unstaffed	$0	$171	$171	$339	$225	$339	$339	$339
all day staffed	$0	$240	$240	$474	$315	$474	$474	$474
Modesto Comm Svce Ctr Classroom								
per 4 hours unstaffed	$0	$16	$16	$31	$24	$31	$31	$31
per 4 hours staffed	$0	$27	$27	$53	$80	$53	$53	$53
8am-5 pm or 1pm-10pm unstaffed	$0	$31	$31	$62	$93	$62	$62	$62
8am-5 pm or 1pm-10pm staffed	$0	$53	$53	$106	$159	$106	$106	$106
all day unstaffed	$0	$47	$47	$93	$140	$93	$93	$93
all day staffed	$0	$80	$80	$159	$239	$159	$159	$159

1998-99 Fees

FACILITY	PRIORITY 2		PRIORITY 3		PRIORITY 4		ALL OTHERS	
	REG USE	FUNDRAISER	REG USE	FUNDRAISER	REG USE	FUNDRAISER	REG USE	FUNDRAISER
Multi-purpose Facility (Roosevelt, M. Twain, La Loma)								
per 2 hours staffed	$0	$21	$21	$41	$31	$41	$41	$41
each additional 2 hours staffed	$0	$16	$16	$32	$24	$32	$32	$32
Multi-purpose Facility (Somerset)								
per 2 hours staffed	$0	$37	$37	$73	$55	$73	$73	$73
each additional 2 hours staffed	$0	$32	$32	$64	$48	$64	$64	$64
King Kennedy Memorial Center Room A								
per 2 hours unstaffed	$0	$10	$10	$20	$14	$20	$20	$20
per 2 hours staffed	$0	$22	$22	$44	$33	$44	$44	$44
per 4 hours unstaffed	$0	$15	$15	$30	$22	$30	$30	$30
per 4 hours staffed	$0	$36	$36	$72	$54	$72	$72	$72
King Kennedy Memorial Center Room B								
per 2 hours unstaffed	$0	$8	$8	$16	$12	$16	$16	$16
per 2 hours staffed	$0	$20	$20	$41	$31	$41	$41	$41
per 4 hours unstaffed	$0	$11	$11	$23	$17	$23	$23	$23
per 4 hours staffed	$0	$30	$30	$60	$45	$60	$60	$60
King Kennedy Auditorium & Kitchen								
per 2 hours unstaffed	$0	$39	$39	$78	$59	$78	$78	$78
per 2 hours staffed	$0	$51	$51	$102	$77	$102	$102	$102
per 4 hours unstaffed	$0	$60	$60	$120	$90	$120	$120	$120
per 4 hours staffed	$0	$93	$93	$186	$140	$186	$186	$186
King Kennedy Entire Facility								
per 4 hours unstaffed	$0	$91	$91	$182	$137	$182	$182	$182
per 4 hours staffed	$0	$129	$129	$258	$194	$258	$258	$258
Senior Citizens Center Dining Room & Kitchen								
per 4 hours unstaffed	$0	$35	$35	$70	$52	$70	$70	$70
per 4 hours staffed	$0	$59	$59	$118	$89	$118	$118	$118
per 2 consecutive 4 hrs, unstaffed	$0	$57	$57	$114	$85	$114	$114	$114
per 2 consecutive 4 hrs, staffed	$0	$107	$107	$214	$161	$214	$214	$214
all day unstaffed	$0	$79	$79	$158	$118	$158	$158	$158
all day staffed	$0	$156	$156	$312	$234	$312	$312	$312
Senior Citizens Center Auditorium								
per 4 hours unstaffed	$0	$24	$24	$48	$36	$48	$48	$48
per 4 hours staffed	$0	$48	$48	$95	$71	$95	$95	$95
per 2 consecutive 4 hrs, unstaffed	$0	$38	$38	$76	$57	$76	$76	$76
per 2 consecutive 4 hrs, staffed	$0	$88	$88	$176	$132	$176	$176	$176
all day unstaffed	$0	$52	$52	$104	$78	$104	$104	$104
all day staffed	$0	$129	$129	$258	$194	$258	$258	$258

1998-99 Fees

FACILITY	PRIORITY 2		PRIORITY 3		PRIORITY 4		ALL OTHERS	
	REG USE	FUNDRAISER	REG USE	FUNDRAISER	REG USE	FUNDRAISER	REG USE	FUNDRAISER
Senior Citizens Center Entire Facility								
per 4 hours unstaffed	$0	$56	$56	$111	$83	$111	$111	$111
per 4 hours staffed	$0	$80	$80	$159	$119	$159	$159	$159
per 2 consecutive 4 hrs, unstaffed	$0	$91	$91	$183	$137	$183	$183	$183
per 2 consecutive 4 hrs, staffed	$0	$142	$142	$283	$212	$283	$283	$283
all day unstaffed	$0	$127	$127	$255	$191	$255	$255	$255
all day staffed	$0	$204	$204	$408	$306	$408	$408	$408
Ballfields								
per 2 hours without lights	$0	$8	$8	$16	$12	$16	$16	$16
per 2 hours with lights	$0	$19	$19	$38	$29	$38	$38	$38
Tournament Fee, per field, per day	$0	$25	$25	$50	$37	$50	$50	$50
Line & Drag, per field	$0	$16	$16	$32	$24	$32	$32	$32
Barbecue Trailer								
per day	$0	$38	$38	$76	$57	$76	$76	$76
Beard Brook T-Shelter								
10 am-3 pm or 5 pm-10 pm	$0	$24	$24	$48	$36	$48	$48	$48
all day	$0	$31	$31	$62	$47	$62	$62	$62
Group Picnic Areas, per Section								
10 am-3 pm or 5 pm-10 pm	$0	$35	$35	$69	$52	$69	$69	$69
all day	$0	$44	$44	$88	$66	$88	$88	$88
Horseshoe Pits								
tournament preparation	$0	$254	$254	$508	$381	$508	$508	$508
daily reservation	$0	$8	$8	$16	$12	$16	$16	$16
Sports Equipment Bags								
per bag per rental	$0	$7	$7	$13	$10	$13	$13	$13
Tennis Courts								
Tournament Preparation, per park	$0	$90	$90	$181	$136	$181	$181	$181
per court, per 2 hours	$0	$5	$5	$10	$7	$10	$10	$10
per park, per 2 hours	$0	$7	$7	$14	$11	$14	$14	$14
per court per day	$0	$8	$8	$15	$11	$15	$15	$15
Assistive Listening Devices								
per rental per day	$0	$9	$9	$18	$14	$18	$18	$18

1998-99 Fees

FACILITY	PRIORITY 2		PRIORITY 3		PRIORITY 4		ALL OTHERS	
	REG USE	FUNDRAISER	REG USE	FUNDRAISER	REG USE	FUNDRAISER	REG USE	FUNDRAISER
Commercial filming in City Parks								
per 2 hours	$0	$56	$56	$113	$85	$113	$113	$113
each additional hour	$0	$22	$22	$44	$33	$44	$44	$44
Permit for Sales Adjacent to Parks								
per park, Jan-June, July-Dec	$0	$7	$7	$15	$11	$15	$15	$15
Portable Awning								
per event	$0	$177	$177	$353	$265	$353	$353	$353
out-of-town travel, per hour	$0	$56	$56	$112	$84	$112	$112	$112
Portable Stage								
without top, per event	$0	$221	$221	$443	$332	$443	$443	$443
with top & bunting, per event	$0	$379	$379	$759	$569	$759	$759	$759
out-of-town travel, per hour	$0	$31	$31	$61	$46	$61	$61	$61
Public Address System								
per 4 hours	$0	$36	$36	$73	$55	$73	$73	$73
each additional hour	$0	$5	$5	$11	$8	$11	$11	$11

1998-99 Fees

FACILITY	PRIORITY 2		PRIORITY 3		PRIORITY 4		ALL OTHERS	
	REG USE	FUNDRAISER	REG USE	FUNDRAISER	REG USE	FUNDRAISER	REG USE	FUNDRAISER
Special Park Use, Special Events								
Recreation Leader, per hour	$0	$5	$5	$10	$7	$10	$10	$10
Precreation Leader, per 2 hour event	$0	$12	$12	$25	$19	$25	$25	$25
Recreation Leader, per 4 hour event	$0	$22	$22	$45	$34	$45	$45	$45
Event Atendant, per hour	$0	$5	$5	$11	$8	$11	$11	$11
Event Attendant, per 2 hour event	$0	$13	$13	$27	$20	$27	$27	$27
Event Attendant, per 4 hour event	$0	$23	$23	$48	$36	$48	$48	$48
Parks Crewleader, per hour	$0	$15	$15	$31	$23	$31	$31	$31
Parks Crewleader, per 2 hour event	$0	$39	$39	$77	$58	$77	$77	$77
Parks Crewleader, per 4 hour event	$0	$70	$70	$139	$104	$139	$139	$139
Maintenance Worker, per hour	$0	$14	$14	$28	$21	$28	$28	$28
Maintenance Worker, per 2 hour event	$0	$35	$35	$70	$53	$70	$70	$70
Maintenance Worker, per 4 hour event	$0	$63	$63	$126	$95	$126	$126	$126
Custodian, per hour	$0	$11	$11	$22	$17	$22	$22	$22
Custodian, per 2 hour event	$0	$28	$28	$56	$42	$56	$56	$56
Custodian per 4 hour event	$0	$50	$50	$100	$75	$100	$100	$100
Vehicle, pick up truck, per hour	$0	$1	$1	$2	$1	$2	$2	$2
Vehicle, Pick up Truck, per 2 hour event	$0	$2	$2	$4	$3	$4	$4	$4
Vehicle, Pick up Truck, per 4 hour event	$0	$4	$4	$8	$6	$8	$8	$8
Utility Vehicle, per hour	$0	$1	$1	$1	$1	$1	$1	$1
Utility Vehicle, per 2 hour event	$0	$2	$2	$3	$3	$3	$3	$3
Utility Vehicle, per 4 hour event	$0	$3	$3	$6	$5	$6	$6	$6
Ballfield Conditioner, per hour	$0	$1	$1	$2	$2	$2	$2	$2
Parking Lot Sweeper, per hour	$0	$1	$1	$2	$1	$2	$2	$2
Trailer, per hour	$0	$0	$0	$0	$0	$0	$0	$0
Trailer, per 2 hour event	$0	$0	$0	$1	$1	$1	$1	$1
Trailer, per 4 hour event	$0	$1	$1	$1	$1	$1	$1	$1
Custodial Van, per hour	$0	$1	$1	$2	$1	$2	$2	$2
Custodial Van, per 2 hour event	$0	$2	$2	$5	$3	$5	$5	$5
Custodial Van, per 4 hour event	$0	$4	$4	$8	$6	$8	$8	$8
Flatbed Truck, per hour	$0	$1	$1	$2	$2	$2	$2	$2

City of Modesto Community Services and Neighborhood Connections Department
Rental Facilities Use and Fee Policy

Co-Sponsor Programs with Non-Profit and Public Organizations

I. AUTHORITIES FOR CO-SPONSOR PROGRAM POLICY

A. The City Council's approval of the Department's Rental Facilities Use and Fee Policy, July 1996, that established a use priority # 2, sub 1, that states the following: "Co-sponsored program: Program that is initiated by the CSNC Department; that is in collaboration and/or partnership with the CSNC Department; and a written agreement and/or contract has been negotiated and approved."

B. The Department has entered into several City Council approved agreements with non-profit and public organizations for the establishment of partnerships that enhance program delivery for community residents.

C. City of Modesto, The Indicators of A High-Performance Organization:
Statement: To provide the best customer service to the citizens of Modesto.
Statement: Quality, responsive and efficient service is expected and delivered.

II. ACTIONS FOR CO-SPONSOR PROGRAM

A. Mission Statement for Co-sponsor Program

The primary purpose of the co-sponsor program is to provide enhanced delivery of a variety of positive and safe recreational, cultural, park and conservation activities and opportunities through the establishment of partnerships with non-profit and public organizations that promote community involvement and citizen spirit.

B. Program Objectives for Co-sponsor Program Policy

1. To standardize criteria utilized in the development and acceptance of a co-sponsor program.
2. To encourage the establishment of partnerships and/or collaborative efforts with other non-profit and public organizations for the enhanced delivery of positive and safe programs.

3. To enable appropriate staff to make informed decisions on accepting of co-sponsor programs.
4. To ensure that all co-sponsor programs adhere to policies as set forth by the Community Services and Neighborhood Connections Department.

C. Selection Criteria for Co-sponsor Programs

1. Co-sponsor program must meet Department's co-sponsor and/or any other specific program or facility mission statement.
2. Co-sponsor organization mission statement and bylaws must comply with Affirmative Action and American With Disabilities Act guidelines.
3. Co-sponsor program must be open to the public and recruit participants who represent all ethnic and economic groups in the community.
4. Co-sponsor non-profit organizations must be tax-exempt in accordance with the Internal Revenue Service, Section 501(c)(3) and with the California Franchise Tax Board Section 23701(d).
5. Co-sponsor organization must have a minimum of 50% City of Modesto residents as members.

D. Responsibilities of Co-Sponsor

1. Co-sponsor organization must submit, prior to program implementation, insurance certificate and hold harmless agreement as required by the Risk Manager. This requirement may be waived for specific Public entities.
2. Non-profit organizations must submit to the CSNC Department a copy of the letter from the Internal Revenue Service determining their tax-exempt status under Section 501(c)(3) of the Internal Revenue Code and a copy of the letter from the California Franchise Tax Board determining tax-exempt status under Section 23701(d), Revenue and Taxation Code.
3. Co-sponsor organization must submit a copy of bylaws that clearly define the purposes, functions, organization and lines of authority to the CSNC Department for review. This requirement may be waived by the Department.

4. Co-sponsor organization must ensure that the City of Modesto logo and the statement "co-sponsored by the City of Modesto Community Services and Neighborhood Connections" appear in and/or on all advertisements relating to the co-sponsor program.
5. Co-sponsor organization must have approval by the CSNC Department for all co-sponsor program advertisement and/or promotions, i.e., radio, TV, newspaper, magazines, brochures, flyers, Internet.
6. Co-sponsor must comply with all City policies and procedures that govern program and/or facility area.
7. Co-sponsor organization must provide the City a listing of program liaison and staff members (paid or volunteer) and keep City informed in writing of any liaison or staff changes.
8. Co-sponsor organization must submit program reports of the year's activities and program attendance reports as required by the CSNC Department liaison.
9. Co-sponsor organization must maintain the Modesto resident membership ratio.
10. Co-sponsor organization must notify the CSNC Department's liaison of time and place of regular meetings.
11. Co-sponsor organization shall obtain and maintain in full force and effect throughout the program duration any and all applicable permits and business licenses which may be required by any law, including administrative regulations and local ordinances.
12. Co-sponsor organizations shall maintain financial records for co-sponsored event in a manner acceptable to the City.

E. Responsibilities of City

1. The City will appoint a Community Services and Neighborhood Connections Department staff liaison to provide logistical support for the co-sponsor program.
2. The CSNC Department will recognize and qualify co-sponsor programs for the Youth Recreation Financial Assistance Program, as applicable.

3. The City will assist in sending public service announcements, as approved by staff liaison, to area newspapers, local radio stations, and also insert pertinent program information in the Department Activity Guide, as applicable.
4. Scheduling of CSNC facilities on a first priority basis after City scheduled activities, consistent with City facility use policy. Fees may be charged, as applicable.

F. Procedures for Non-profit and Public Organizations Requesting Co-sponsor Programs

1. Governing Board or President must submit a letter of request to the CSNC Department that clearly states the goals, objectives and interests in the organization's pursuit of a co-sponsor program.
2. The co-sponsor organization, upon request approval, must then prepare and submit the application for co-sponsorship.
   The co-sponsor organization must complete a statement of compliance regarding Department policy.
   The co-sponsor organization must submit a membership roster listing all names and addresses of members, with a notarized signature of the President/Administrator of the organization attesting to the validity of the roster.
   The co-sponsor organization must submit all required documentation requested by the CSNC Department, i.e., by-laws, proof of non-profit status, proof of liability insurance, list of officers and staff members, applicable permits and business licenses, location and times of meetings.
3. CSNC staff will review all documents and set a date for final review with appropriate Advisory Board. Representatives of the organization will be invited to make presentations.
4. CSNC Advisory Board will approve or deny application request.
5. Appeal, if necessary, will be reviewed by a City Council Committee and/or the City Council.
6. If approved, a specific written agreement or contract must be entered into and approved by the CSNC Department and/or resolution must be approved by the CSNC Department and adopted by the City Council, as applicable.

III. CO-SPONSOR PROGRAM ASSISTANCE CATEGORIES AND APPLICABLE RENTAL FEES

A. Co-sponsor Program Request by a Non-Profit or Public Organization with CSNC Department (a minimum of 50% City of Modesto residents as members).

1. Aquatics Facilities: Rental Fee Category # 1
2. Rental Facilities: Rental Fee Category # 2
3. Fundraiser Fee: Applicable fee in accordance with above rental fee category. May be waived if all proceeds are donated o the CSNC Department for a specific program and/or to a non-profit organization that is approved of, in advance by the CSNC Department for charitable work of that organization.

IV. CO-SPONSOR PROGRAMS NOT GRANTED TO AN ORGANIZATION OR ENTERPRISE

A. Any program for the commission of any act intended to further any program or movement dedicated to overthrowing the United States or State of California governments by force, violence, or other unlawful means.

B Any program for the commission of any act which is prohibited by law or for the commission of any crime.

C. Any program which is inconsistent with the designed use of the rental facility/area.

D. Any program which is discriminatory in the legal sense.

E. Any program which involves the possession, consumption, or sale of any restricted substance. (Note: Permission, upon advance request, may be granted for the sale of alcoholic beverages only at designated facilities/sites and must be approved by Alcohol Beverage Control.)

F. Any program that is casino or Las Vegas gambling type events.

G. Any programs with previous violation of City policies, procedures or regulations governing the co-sponsor or rental facilities policy.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-238

A RESOLUTION AGREEING NOT TO OBJECT TO THE ELIMINATION OF PARKING ON K STREET, STATE ROUTE 108, BETWEEN 9TH STREET AND 10TH STREET, AND FURTHER AGREEING NOT TO OBJECT TO CALTRANS CHANGING THE STREET SECTION PROFILE IN THE SAME LOCATION, CONTINGENT UPON APPROVAL BY THE CALIFORNIA TRANSPORTATION COMMISSION TO THE TRANSFER OF 3 FEET OF PROPERTY ON K STREET BETWEEN 9TH AND 10TH STREET TO THE CITY.

WHEREAS, at its April 21, 1998, meeting the City Council adopted a resolution requesting the California Transportation Commission to place an item on its May 6, 1998, agenda to transfer title to 3 feet of property on K Street between 9th and 10th Streets to the City of Modesto for the Cinema Project, and

WHEREAS, Caltrans has reviewed the action and agreed to support it, subject to the City agreeing to two issues which may come up in the future when four traffic lanes, rather than the current three lanes, are needed on this route, and

WHEREAS, although the right of way on this route is 80 feet, the transfer of the 3 feet of property does not affect the current curb location, and Caltrans controls the entire 80 feet including the sidewalk area where the 3 feet is located, and

WHEREAS, to add a fourth lane on K Street would require intruding into the sidewalk area and elimination of on-street parking, and

WHEREAS, Caltrans is asking the City to agree not to object to the elimination of parking and also not to object should it be necessary to move into the landscaping in front

of the Hotel in order to complete the fourth lane on K Street, which Caltrans estimates will be needed in 10-20 years, and

WHEREAS, while it appears that Caltrans, through its right of way and police powers, has the right to intrude into the sidewalk area and eliminate on-street parking on K Street, it wants to eliminate any opposition to the same as part of its approval of the transfer of the 3 feet of property on K Street between 9th and 10th Streets to the City, and

WHEREAS, without the passage of a resolution by the City agreeing not to object to the elimination of parking on K Street and further agreeing not to object to Caltrans changing the street section profile in the same location to accommodate four lanes, Caltrans will not support the approval of the transfer of the 3 feet of property needed for the Cinema Project to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in the event Caltrans transfers title to 3 feet of the K Street right of way to the City of Modesto for the Cinema Project then the City hereby does agree not to object to the elimination of parking and a portion of the sidewalk on K Street, State Route 108, between 9th Street and 10th Street, and further agrees not to object to any future action by Caltrans to change the street section profile in the same location to accommodate four lanes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-239

A RESOLUTION COMMENDING THE MODESTO POLICE DEPARTMENT CITIZEN VOLUNTEERS IN RECOGNITION OF THEIR PERFORMANCE OF OUTSTANDING SERVICE TO THE CITIZENS OF MODESTO IN 1997.

WHEREAS, in 1997, 59 citizens from our community contributed a total of 6,230 hours of time to the community welfare and safety of Modesto's citizens, and

WHEREAS, citizen volunteer duties during the year included assisting in both the Bureau of Support and the Bureau of Operations of the Modesto Police Department, and

WHEREAS, participants of the Volunteer Program contributed greatly to the reduction of cost for and enhancement of services rendered to the citizens of our community, and

WHEREAS, the City Council wishes to recognize the performance of outstanding service to the City of Modesto in 1997 by the Modesto Police Department citizen volunteers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby commends the 59 Modesto Police Department citizen volunteers for their contribution of outstanding service to the City of Modesto in 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-240

A RESOLUTION COMMENDING THE MODESTO POLICE DEPARTMENT EXPLORERS IN RECOGNITION OF THEIR PERFORMANCE OF OUTSTANDING SERVICE TO THE CITIZENS OF MODESTO IN 1997.

WHEREAS, in 1997, 31 Explorers from our community contributed a total of 4,744 hours of time to the community welfare and safety of Modesto's citizens, and

WHEREAS, Explorer duties during the year included assisting in both the Bureau of Support and the Bureau of Operations of the Modesto Police Department, and

WHEREAS, participants of the Explorer Program contributed greatly to the reduction of cost for and enhancement of services rendered to the citizens of our community, and

WHEREAS, the City Council wishes to recognize the performance of outstanding service to the City of Modesto in 1997 by the Modesto Police Department Explorers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby commends the 31 Modesto Police Department Explorers for their contribution of outstanding service to the City of Modesto in 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-241

Print

A RESOLUTION COMMENDING THE MODESTO POLICE DEPARTMENT RESERVES IN RECOGNITION OF THEIR PERFORMANCE OF OUTSTANDING SERVICE TO THE CITIZENS OF MODESTO IN 1997.

WHEREAS, in 1997, 40 Reserve Police Officers from our community contributed a total of 19,464 hours of time to the City of Modesto's welfare and safety, and

WHEREAS, Reserve Police Officers' duties during the year included enforcing laws and helping with various community activities that took place in the City, and

WHEREAS, Police Reserve Officers contributed greatly to the general welfare and safety of the citizenry of Modesto, and

WHEREAS, the City Council wishes to recognize the performance of outstanding service to the City of Modesto in 1997 by the 40 Reserve Police Officers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby commends the 40 Reserve Police Officers for their contribution of outstanding service to the City of Modesto in 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-242

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING AN INFRARED SCANNING CAMERA FOR OPERATIONS AND MAINTENANCE DEPARTMENT - WATER QUALITY CONTROL

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing an infrared scanning camera for Operations and Maintenance Department - Water Quality Control, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 10, 1998 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-243

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "ANNUAL CATCH BASIN AND VALLEY GUTTER REPAIR PROJECT"

WHEREAS, the bids received for Annual Catch Basin and Valley Gutter Repair Project were opened at 11:00 a.m. on April 21, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of George Reed Inc. in the amount of $178,929 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-244

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $70,200 TO FULLY FUND THE PROJECT TITLED "ANNUAL CATCH BASIN AND VALLEY GUTTER REPAIR"

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 628-480-J660 6040; $70,200

TO: 628-480-H082 6040; $70,200

Costs to repair the proposed sites exceeds the amount budgeted. The project was designed with the anticipation of transferring funds to complete the project. Funds will be used as intended in the CIP document.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-245

Print

A RESOLUTION SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO REVIEW THE PROPOSED 1998-99 OPERATING BUDGET AND PROPOSED 1999-2008 CAPITAL IMPROVEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 26, 1998, at 4:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for a hearing to review the Proposed 1998-99 Operating Budget and Proposed 1999-2008 Capital Improvement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-246

A RESOLUTION APPROVING AN APPLICATION FOR SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR RECEIVING DISCOUNTED ELECTRICAL SERVICE RATES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the application for service agreement between the City of Modesto and Modesto Irrigation District for receiving discounted electrical service rates be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-247

A RESOLUTION APPROVING A POLICY AND PROCEDURES FOR THE COMMUNITY DEVELOPMENT DEPARTMENT ENTITLED, "PARTICIPATION AS A HOUSING REHABILITATION CONTRACTOR" RELATING TO PROCESSING APPLICATIONS FROM CONTRACTORS.

WHEREAS, the City desires to adopt a formal policy and procedure for selecting contractors being considered for placement on the Contractor's Bidding List of Approved Contractors, which is maintained by the Office of Housing and Neighborhoods, and which includes a contractor suspension process for contractors who exhibit less than professional characteristics listed under paragraph 20.4 of the Policy and Procedures, as well as providing for an appeal process for use of the contractors,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and adopts a policy and procedures for the Community Development Department entitled, "Participation as a Housing Rehabilitation Contractor, a copy of which is attached hereto marked Exhibit "A" and incorporated herein by reference, relating to processing applications from contractors.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

COMMUNITY DEVELOPMENT DEPARTMENT Exhitit "A"

COMMUNITY DEVELOPMENT PROGRAM POLICY AND PROCEDURES MANUAL

CHAPTER

PARTICIPATION AS A HOUSING REHABILITATION CONTRACTOR

(Equal Housing Opportunity)

20.1 INTRODUCTION

To outline the process for contractor participation in Modesto's Housing Rehabilitation Program. The Office of Housing and Neighborhoods Program does not select or refer contractors. The City does require property owners to contract with highly professional contractors. This procedure is adopted to ensure consistent guidelines for all contractors who contract with property owners receiving housing rehabilitation financing.

20.2 APPLICATION PROCEDURE

To be placed on the Housing Rehabilitation Program Bidder's List the contractor must complete the following steps:

a. Pick up a packet at the Office of Housing and Neighborhoods's Office located at 940 -11th Street (or phone (209) 577-5245 to have one mailed).

b. Complete the contractor application questionnaire.

c. Return the signed Receipt acknowledging you have received, read, understood and will comply with the Housing Rehabilitation Specification Manual requirements and the Policy and Procedures for Participation as a Housing Rehabilitation Contractor.

Note: The applicant must have a current California General Contractor's license to be eligible to participate as a housing rehabilitation contractor (or a specialty contractor if applicable).

20.3 APPLICATION REVIEW

Upon receipt of the Contractor's Application Questionnaire, the Office of Housing and Neighborhoods will:

a. Review the application questionnaire.

b. Verify California contractor license status, insurance coverage, City of Modesto Business License, and references for recently completed housing rehabilitation projects.

c. Notify the contractor in writing, if approved, and add the contractor's business name to the bidders' list.

d. Request the additional information or documents if the questionnaire is conditionally approved.

e. Notified in writing if disapproved with the reasons for disapproval.

20.4 ADDING AND REMOVING CONTRACTORS FROM THE "LIST OF APPROVED CONTRACTORS"

The Housing and Neighborhoods Manager may add or remove contractors from the list for various reasons including:

A. The contractor has not responded to bid postings for the preceding year.

B. Failure to keep the contractor questionnaire current.

C. The contractor is no longer in business; or has changed his/her business name without filling out current questionnaire reflecting the change.

D. Contractor exhibits one or more of the following characteristics:

(1) Unsatisfactory rehabilitation work, as outlined in the Real Property Improvement Agreement, evidenced by written change orders;

(2) work consistently does not meet required code minimums, approved plans or permit requirements;

(3) finished work is sloppy or incomplete;

(4) not obtaining required plans and/or permits; plans are inaccurate, vague and unreadable, or not following approved plans;

(5) failure to supervise and/or monitor the work of his or her employees and subcontractors;

(6) negotiating side agreements with property owners;

(7) contractor has not taken care of his/her financial responsibilities resulting in mechanics' liens or small claims court cases being filed against the property owner by material suppliers or subcontractors;

(8) valid unresolved property owner complaints;

(9) underbidding jobs with the intent of increasing the project cost through change orders;

(10) doing additional work without written, approved change orders;

(11) offering kickbacks to the property owner;

(12) any actions of non-professionalism or incompetence;

(13) history of property owner/contractor disputes;

(14) requesting property owners sign blank or partially completed documents;

(15) threatening City employees or exhibiting threatening conduct by contractor and/or his/her employees;

(16) being financially unstable regarding his/her projects.

(17) violating State of California Contractors' Licensing law, rules and regulations.

(18) not exposing gas/water/sewer lines when requested by City staff.

In deciding whether to suspend a contractor, the City will consider patterns of misconduct.

Removing of a Contractor from the list does not preclude him/her from bidding on future projects, if that contractor's bids are specifically requested by a property owner. However, the City shall not provide financial assistance to any owner using a non-approved contractor. Any Contractor who has been removed from the list and seeks to be reinstated will be required to complete a new Contractor's Application Questionnaire, provide new references, and submit a written statement explaining all changes in his/her status since the last application or job he/she completed. The new information shall also include any liens, judgements, or other legal actions.

In cases where contractors have been removed from the list because of disputes that resulted in contract termination or unpaid mechanics' liens being filed against a property, subcontractor, or material supplier, work not being completed in a timely manner, or unsatisfactory work to the extent that the property owner incurred additional costs, the contractor will be required to provide a Performance Bond equal to 100% of the project cost if he/she is selected by the property owner. Additionally, the Contractor must submit a new Contractors' Application Questionnaire, including new references.

20.5 SOME SUGGESTIONS FOR AVOIDING PROBLEMS

Never perform work based on verbal changes to the Real Property Improvement Agreement or Work Write-up.

Never suggest changes in the scope of work without conferring with the Housing Rehabilitation Specialist. **Never** complete work without an approved written change order.

Never try to coerce the property owner for approval of a payment authorization. **Never** attempt to pressure the Housing Rehabilitation Specialist into encouraging a property owner to sign a payment authorization.

Never call for an inspection until you have inspected the work and assured that it has been completed professionally and as specified in the agreement and specifications.

Never request payment for line items of work not completed in order to balance the percentage payment amount; each payment must include the correct percentage for the amount for the line items or work items actually completed. The City will hold back at least 10% on each progress payment.

20.6 CONTRACTOR SUSPENSION PROCESS

Upon receiving a written complaint against a contractor, the following process will take place:

a. Housing Program Supervisor will conduct a meeting with the complainant to establish the facts including interviewing witnesses.

b. Review the complaint to ascertain its merits.

c. Notify the complainant in writing within five (5) working days whether the complaint has been determined to be valid.

d. If the complaint is valid the Housing Program Supervisor will meet with the contractor and establish his/her viewpoint.

e. The Housing Program Supervisor will consider the information obtained from all parties and prepare a written report, including a recommendation.

f. The Housing and Neighborhoods Manager will make the final decision; and

g. notify all parties of decision rendered.

20.7 CONTRACTOR APPEAL OF DECISION

If the contractor does not agree with the decision rendered by the Housing and Neighborhoods' Manager he or she must, within ten (10) calendar days, request an appeal.

In the event a contractor decides to request an appeal, the appeal process shall be as follows:

a. Contractor submits a letter to the Community Development Director at 801 11th Street, Modesto, 95354 explaining why he or she felt the suspension was not proper.

b. Within (10) working days, the Community Development Director will set a time to hear the appeal.

c. Appeal is heard by the Community Development Director.

d. A decision will be made by the Community Development Director to deny or accept the appeal.

e. Contractor and complainant are notified of decision. This decision is final - no additional further appeals are available to the contractor.

f. Contractor is removed from the Housing Rehabilitation Contractors' Bidders List.

g. HUD Region IX San Francisco office is notified if the contractor is suspended.

The City of Modesto shall have the exclusive right to suspend or disbar contractors from participation in City-funded housing rehabilitation projects who have violated any of the rules listed in paragraph 20.4 above and any other violations it deems appropriate.

20.8 RECOMMENDATION FOR CHANGES

All recommendations for changes to this policy and procedures must be submitted in writing to the Housing Program Supervisor, Office of Housing and Neighborhoods, 940 11th Street, Modesto, CA 95354.

ACKNOWLEDGEMENT AND RECEIPT

I have received a copy of the Housing Rehabilitation Contractor Participation Policy and Procedure, understand its content, and will comply with its contents and terms and conditions.

Name of Firm (Print of Type)	License #
Name of Licensee	License Expiration Date
Contractor's Signature	Date
(Area Code) Telephone No.	(Area Code) Fax Number

MODESTO CITY COUNCIL
RESOLUTION NO. 98-248

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DEEPAK SINGH AND PROMILA PAUL FOR THE PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Deepak Singh and Promila Paul for the purchase of right of way needed for the Carpenter Road Widening project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-249

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES RUIZ AND MICHELLE EILEEN HELLER FOR PURCHASE OF RIGHT OF WAY NEEDED FOR THE CARPENTER ROAD WIDENING PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and James Ruiz and Michelle Eileen Heller for purchase of right of way needed for the Carpenter Road Widening Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk 13

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-250

A RESOLUTION APPROVING THE FINAL MAP OF LEGENDS VILLAGE UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, JKB Homes Corp, A California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 15.35 acres, known as Legends Village Unit No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of October, 1997, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Legends Village Unit No. 1 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as

set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-251

A RESOLUTION OPPOSING THE STATE REPEAL OF VEHICLE LICENSE FEES FOR CITIES AND COUNTIES.

WHEREAS, there are several legislative proposals being discussed this year in Sacramento which would repeal vehicle license fees (VLF) which currently provide revenues to local governments, and

WHEREAS, repeal of VLF would mean a loss to the City of Modesto of an estimated $7.6 million dollars in revenue for fiscal year 1998-99, and

WHEREAS, VLF are a significant revenue source to the City's General Fund, and

WHEREAS, the loss of VLF, coupled with the property tax shift in 1992, 1993, and 1994, would significantly jeopardize the City's ability to support essential programs, and

WHEREAS, it appears the State will have a budget surplus this year ranging between $1.7 and $2.5 billion dollars, and the legislature and the Governor desire to provide a tax cut to taxpayers, and

WHEREAS, State legislators have indicated an interest in trying to provide an offsetting grant to cities to compensate for the loss of revenue created by such a tax cut, and

WHEREAS, said offsetting grants would be at the discretion of the State and not guaranteed to local governments, while VLF are constitutionally guaranteed by voter approval of a constitutional amendment in 1984, and

WHEREAS, should an offsetting grant not be forthcoming in the event of a repeal of VLF, the City will have no protection from the loss of revenue created by the repeal of VLF,

and

WHEREAS, the proposed tax cut by the State would not only jeopardize a significant revenue source for the City, but would also eliminate a stable revenue source to the General Fund that cities and counties have been dependent upon over the years,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby opposes the State repeal of vehicle license fees which provide significant and stable revenues necessary to support essential programs for the benefit of its citizens.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of May, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	Conrad
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-252

A RESOLUTION DESIGNATING THE PROPERTY AT 230 SYCAMORE AVENUE AS A MODESTO LANDMARK PRESERVATION SITE. (OWNERS: JOHN AND CAROL WHITESIDE)

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 April 20, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 98-8, that the property at 230 Sycamore Avenue is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and use are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact.

4. The existing and proposed use are compatible with preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on May 19, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined

that the property at 230 Sycamore Avenue is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 230 Sycamore Avenue is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the property at 230 Sycamore Avenue has architectural significance and is hereby designated a Landmark Preservation Site for the following reason:

> Architectural significance as a well-maintained Mission Revival single-family residence from the 1930's.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

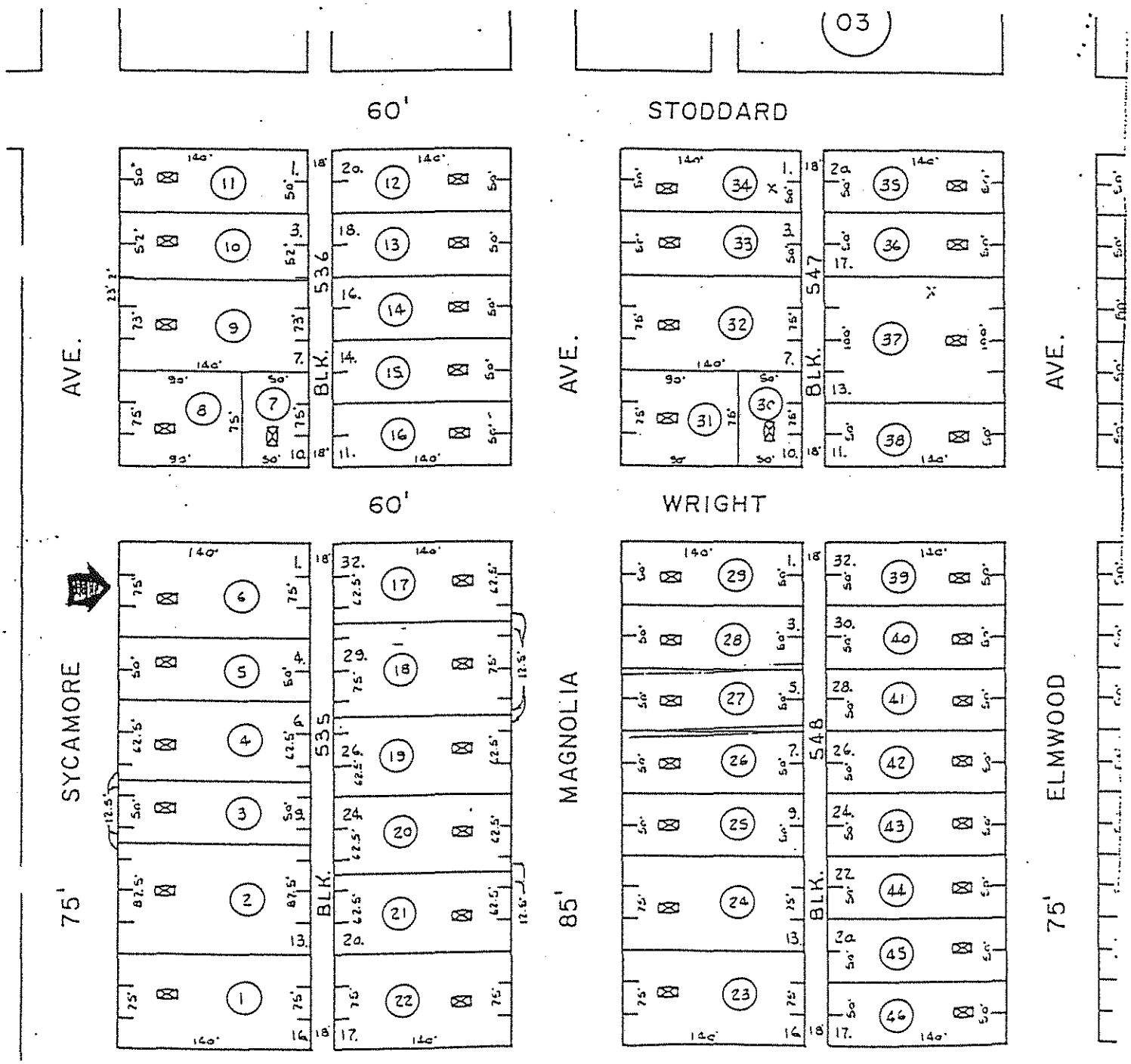
EXHIBIT A

110-07

Property at 230 Sycamore Avenue
John and Carol Whiteside, Owners

Exhibit "A" - Legal Description

Lots 1,2, and 3 in Block 535 of the CITY OF MODESTO, as per map 2 filed in Book 45 of Maps, Stanislaus County Records.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-253

Print

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 10) AT 230 SYCAMORE AVENUE, LANDMARK SITE NO. 44, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: JOHN AND CAROL WHITESIDE)

WHEREAS, John and Carol Whiteside, owners of the property at 230 Sycamore Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on April 20, 1998, and

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes the authority for the Landmark Preservation Commission to recommend and the City Council to approve landmark preservation contracts after benefit of a public hearing, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the City to enter into historical property contracts (Mills Act Contract) with owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance, and

WHEREAS, a Mills Act Contract was submitted for 230 Sycamore Avenue, which met State law and garnered staff support, given a reasonable relationship of past and future estimates of improvement and maintenance to tax savings as a result of contract completion, and

WHEREAS, a public hearing was held by the Landmark Preservation Commission on April 20, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 10, by Resolution No. 98-9, the Landmark Preservation Commission recommended to the City Council approval of said contract for the property at 230 Sycamore Avenue, and

WHEREAS, after a public hearing held on May 19, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Historic Property Preservation Agreement for the property at 230 Sycamore Avenue, meets the requirements of Government Code Section 50280, et seq., and should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract No. 10) for the property at 230 Sycamore Avenue is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is hereby authorized to execute said agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-254

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR THE FURNISHING OF ONE TRAILER MOUNTED CHANGEABLE MESSAGE SIGN SYSTEM

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for the furnishing of one trailer mounted changeable message sign system, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 23, 1998 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-255

A RESOLUTION ACCEPTING THE PROJECT TITLED "YOSEMITE BOULEVARD WIDENING FROM FRAZINE TO MCCLURE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Yosemite Boulevard Widening from Frazine to McClure, has been completed by George Reed Inc., in accordance with the contract agreement dated June 24, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Yosemite Boulevard Widening from Frazine to McClure be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,105,340.76 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-256

A RESOLUTION ACCEPTING THE PROJECT TITLED "VARIABLE SPEED DRIVES - EFFLUENT PUMPS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Variable Speed Drives - Effluent Pumps, has been completed by Ross F. Carroll Inc., in accordance with the contract agreement dated August 6, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Variable Speed Drives - Effluent Pumps be accepted from said contractor, Ross F. Carroll; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $316,045.33 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-257

Print

A RESOLUTION ACCEPTING THE CERTIFICATION OF THE SIGNATURE COUNT FOR THE CHARTER AMENDMENT PETITION - ARTICLE 12, SECTION 1206. IMPARTIAL ARBITRATION FOR POLICE AND FIRE DEPARTMENT EMPLOYEE DISPUTES, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 1998, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO §SECTION 10403 OF THE ELECTIONS CODE.

WHEREAS, a charter amendment petition has been circulated by its proponents to place on the ballot a charter amendment to add Article 12, Section 1206 to the existing City Charter regarding impartial arbitration for police and fire department employee disputes, and

WHEREAS, the Stanislaus County Clerk's office has verified signatures and found the petition to be sufficient to qualify for a special municipal election, and

WHEREAS, the City Council determined to call a Special Municipal Election to be held on November 3, 1998, for the purpose of the election of a charter amendment, and

WHEREAS, the City Council is submitting to the voters the question of whether or not the Modesto City Charter should be amended by adding a provision which requires binding arbitration for resolution of public safety union contract disputes, and

WHEREAS, it is desirable that the Special municipal election be consolidated with the Statewide General election to be held on the same date and that within the precincts, polling places and election officers of the two elections be the same, and that the county election

department of the County of Stanislaus canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election,

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

SECTION 1. That it hereby accepts the certification of signature count as set forth on the Certificate of Signatures For Charter Amendment Petition - Article 12 Section 1206. Impartial Arbitration For Police And Fire Department Employee Disputes, a copy of which is attached hereto and incorporated herein by reference..

SECTION 2. That it hereby orders the City Clerk to submit the charter amendment to the voters at a special election on November 3, 1998.

SECTION 3. That pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Stanislaus is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide General election on Tuesday, November 3, 1998, for the purpose of the election of a charter amendment.

SECTION 4. That a measure is to appear on the ballot as follows:

Shall Section 1206 be added to the Modesto City Charter to transfer authority to resolve public safety union contract disputes from the City Council to an outside arbitration panel.	YES	
	NO	

SECTION 5. That the county election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 6. That the Board of Supervisors is requested to issue instructions to

the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 7. That the City of Modesto recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Stanislaus.

SECTION 9. 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 19th day of May, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CERTIFICATE OF SIGNATURES FOR
CHARTER AMENDMENT PETITION - ARTICLE 12 SECTION 1206. IMPARTIAL ARBITRATION FOR POLICE AND FIRE DEPARTMENT EMPLOYEE DISPUTES

I, Jean Adams, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office on May 12, 1998 to verify signatures for the above stated petition.

A total of 18,802 signatures were submitted, and 14,642 were found to be sufficient.

A total of 15% (11,817) of the registered voters signatures were required for the amendment to qualify for placement on the ballot at either a special, municipal or any established election date.

Jean Adams
City Clerk/Auditor
City of Modesto

May 13, 1998

RESCINDED
APR 19, 1999
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 99-175

RESCINDED
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 98-258

A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 97-375.

Print

WHEREAS, by Resolution No. 95-530 which became effective on November 7, 1995, the City Council amended the salary schedules for unrepresented Management and Confidential employees to incorporate a 9-Step Salary Step Plan, and

WHEREAS, the Council of the City of Modesto desires to approve a three (3%) percent across-the-board salary increase for unrepresented Management and Confidential employees, effective June 23, 1998, subject to provisions of the Pay-for-Performance Plan, and

WHEREAS, the Council desires to approve a three (3%) across-the-board salary increase for Council appointees, effective June 23, 1998, and

WHEREAS, the Council desires to approve a three (3%) increase in salary ranges for unrepresented Management and Confidential employees and Executive Managers, including Council appointees.

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

SECTION 1. SALARY RANGES, RATES AND EFFECTIVE DATES. The salary rates, salary ranges and salary steps as set forth in the following exhibits which are attached hereto and made a part hereof are hereby established and approved effective June 23,

1998, to provide for a three (3%) percent across-the-board salary adjustment for unrepresented Management and Confidential employees and a three (3%) percent across-the-board salary adjustment for Council Appointees:

1. Exhibit "A" entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 23, 1998".

2. Exhibit "B" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 98/99, Effective 6/23/98 - Schedule D Management/Confidential - General".

3. Exhibit "C" entitled "City Of Modesto Class Range Table, Fire Management Classes, Effective June 23, 1998".

4. Exhibit "D" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 98/99, Effective 6/23/98 - Schedule E Management/Confidential - Fire- 80 hours - Division Chief".

5. Exhibit "E" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 98-99, Effective 6/23/98 - Schedule X, Fire Management - 80 Hrs. - Battalion Chief".

6. Exhibit "F" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 98-99, Effective 6/23/98 - Schedule Y, Fire Management - 112 Hrs. - Battalion Chief".

7. Exhibit "G" entitled "City Of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective June 23, 1998".

8. Exhibit "H" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 98/99, Effective 6/23/98 - Schedule G Management/Confidential - Police - Unrepresented".

9. Exhibit "I" entitled "City Of Modesto Class Range Table, Executive Management, Effective June 23, 1998", which includes Council Appointees.

10. Exhibit "J" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 98/99, Effective 6/23/98 - Executive Management".

SECTION 2. COUNCIL APPOINTEES. Effective June 23, 1998, the salaries for the positions of the Council Appointees shall be as follows:

TITLES	HOURLY	BI-WEEKLY	MONTHLY
City Manager	$54.1895	$4335.1567	$9428.9658
City Attorney	$50.6564	$4052.5144	$8814.2188
City Clerk	$27.9529	$2236.2330	$4863.8068

SECTION 3. USE OF CLASSES. The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

SECTION 4. POSITIONS. The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefor, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the department under the Charter, ordinances and resolutions adopted by the City Council, including, but not limited to, creating additional positions to replace employees who are on disability leave or other leaves of absence.

SECTION 5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefor, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.

SECTION 6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time, hourly or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

SECTION 7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

SECTION 8. HEALTH, DENTAL AND VISION BENEFITS. The City's contribution to health, dental and vision benefits are hereby increased by $0.92 per month for employees with family coverage, effective July 21, 1998.

SECTION 9. MANAGEMENT AND CONFIDENTIAL LEAVE CASHOUT. An annual cashout of management leave time, up to a maximum of twenty (20) hours for Management employees, and up to a maximum of ten (10) hours for Confidential employees, payable at 50% of the employees' hourly rate of pay, is hereby authorized in December of each year, commencing December, 1999.

SECTION 10. REPEAL. Resolution No. 97-375 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of MaY, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

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

Effective June 23, 1998

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Accountant I (Confidential) Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Systems Technician Workers' Compensation Claims Examiner I

EXHIBIT "A"

421	
422	Office Supervisor
423	Custodian Supervisor Police Support Services Supervisor
424	Assistant Planner Asst. City Clerk/Auditor Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Stores Manager
427	Events Supervisor Legal Services Administrator
428	Parks Maintenance Supervisor Airport Maintenance Supervisor Trees Maintenance Supervisor Equipment Maintenance Supervisor I Senior Buyer Accountant II Budget Analyst Public Works Supervisor Building Maintenance Supervisor Customer Services Specialist Customer Services Supervisor
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst

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

441	Airport Manager Solid Waste Program Manager Transit Manager Streets Superintendent Parks Operations Superintendent Risk Manager Assistant Personnel Director Recreation Superintendent Fleet Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager Deputy City Attorney II
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector Manager of Budget and Financial Analysis
443	Deputy Chief Bldg. Official Sr. Deputy City Attorney I
444	General Services Manager Principal Planner
445	Customer Services Division Manager Accounting Division Manager Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir. - Civic Center Asst. Parks & Recreation Dir. - Parks Asst. Parks & Recreation Dir. - Recreation Business Development Division Manager Development Services Division Manager Strategic Planning Division Manager Senior Civil Engineer Traffic Engineer
448	
449	Sr. Deputy City Attorney II

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

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99
EFFECTIVE 6/23/98

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
0401	9.7148	9.9577	10.2066	10.4618	10.7233	10.9914	11.2662	11.5479	11.8366
0402	9.9577	10.2066	10.4618	10.7233	10.9914	11.2662	11.5479	11.8366	12.1325
0403	10.2066	10.4618	10.7233	10.9914	11.2662	11.5479	11.8366	12.1325	12.4358
0404	10.4618	10.7233	10.9914	11.2662	11.5479	11.8366	12.1325	12.4358	12.7467
0405	10.7233	10.9914	11.2662	11.5479	11.8366	12.1325	12.4358	12.7467	13.0654
0406	10.9914	11.2662	11.5479	11.8366	12.1325	12.4358	12.7467	13.0654	13.3920
0407	11.2662	11.5479	11.8366	12.1325	12.4358	12.7467	13.0654	13.3920	13.7268
0408	11.5479	11.8366	12.1325	12.4358	12.7467	13.0654	13.3920	13.7268	14.0700
0409	11.8366	12.1325	12.4358	12.7467	13.0654	13.3920	13.7268	14.0700	14.4218
0410	12.1325	12.4358	12.7467	13.0654	13.3920	13.7268	14.0700	14.4218	14.7823
0411	12.4358	12.7467	13.0654	13.3920	13.7268	14.0700	14.4218	14.7823	15.1519
0412	12.7467	13.0654	13.3920	13.7268	14.0700	14.4218	14.7823	15.1519	15.5307
0413	13.0654	13.3920	13.7268	14.0700	14.4218	14.7823	15.1519	15.5307	15.9190
0414	13.3920	13.7268	14.0700	14.4218	14.7823	15.1519	15.5307	15.9190	16.3170

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0401	777.18	796.62	816.53	836.94	857.86	879.31	901.30	923.83	946.93
0402	796.62	816.53	836.94	857.86	879.31	901.30	923.83	946.93	970.60
0403	816.53	836.94	857.86	879.31	901.30	923.83	946.93	970.60	994.86
0404	836.94	857.86	879.31	901.30	923.83	946.93	970.60	994.86	1,019.74
0405	857.86	879.31	901.30	923.83	946.93	970.60	994.86	1,019.74	1,045.23
0406	879.31	901.30	923.83	946.93	970.60	994.86	1,019.74	1,045.23	1,071.36
0407	901.30	923.83	946.93	970.60	994.86	1,019.74	1,045.23	1,071.36	1,098.14
0408	923.83	946.93	970.60	994.86	1,019.74	1,045.23	1,071.36	1,098.14	1,125.60
0409	946.93	970.60	994.86	1,019.74	1,045.23	1,071.36	1,098.14	1,125.60	1,153.74
0410	970.60	994.86	1,019.74	1,045.23	1,071.36	1,098.14	1,125.60	1,153.74	1,182.58
0411	994.86	1,019.74	1,045.23	1,071.36	1,098.14	1,125.60	1,153.74	1,182.58	1,212.15
0412	1,019.74	1,045.23	1,071.36	1,098.14	1,125.60	1,153.74	1,182.58	1,212.15	1,242.46
0413	1,045.23	1,071.36	1,098.14	1,125.60	1,153.74	1,182.58	1,212.15	1,242.46	1,273.52
0414	1,071.36	1,098.14	1,125.60	1,153.74	1,182.58	1,212.15	1,242.46	1,273.52	1,305.36

MONTHLY	1	2	3	4	5	6	7	8	9
0401	1,690.37	1,732.65	1,775.95	1,820.34	1,865.85	1,912.50	1,960.33	2,009.33	2,059.57
0402	1,732.65	1,775.95	1,820.34	1,865.85	1,912.50	1,960.33	2,009.33	2,059.57	2,111.06
0403	1,775.95	1,820.34	1,865.85	1,912.50	1,960.33	2,009.33	2,059.57	2,111.06	2,163.82
0404	1,820.34	1,865.85	1,912.50	1,960.33	2,009.33	2,059.57	2,111.06	2,163.82	2,217.93
0405	1,865.85	1,912.50	1,960.33	2,009.33	2,059.57	2,111.06	2,163.82	2,217.93	2,273.38
0406	1,912.50	1,960.33	2,009.33	2,059.57	2,111.06	2,163.82	2,217.93	2,273.38	2,330.21
0407	1,960.33	2,009.33	2,059.57	2,111.06	2,163.82	2,217.93	2,273.38	2,330.21	2,388.45
0408	2,009.33	2,059.57	2,111.06	2,163.82	2,217.93	2,273.38	2,330.21	2,388.45	2,448.18
0409	2,059.57	2,111.06	2,163.82	2,217.93	2,273.38	2,330.21	2,388.45	2,448.18	2,509.38
0410	2,111.06	2,163.82	2,217.93	2,273.38	2,330.21	2,388.45	2,448.18	2,509.38	2,572.11
0411	2,163.82	2,217.93	2,273.38	2,330.21	2,388.45	2,448.18	2,509.38	2,572.11	2,636.43
0412	2,217.93	2,273.38	2,330.21	2,388.45	2,448.18	2,509.38	2,572.11	2,636.43	2,702.35
0413	2,273.38	2,330.21	2,388.45	2,448.18	2,509.38	2,572.11	2,636.43	2,702.35	2,769.91
0414	2,330.21	2,388.45	2,448.18	2,509.38	2,572.11	2,636.43	2,702.35	2,769.91	2,839.16

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99
EFFECTIVE 6/23/98

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
0415	13.7268	14.0700	14.4218	14.7823	15.1519	15.5307	15.9190	16.3170	16.7249
0416	14.0700	14.4218	14.7823	15.1519	15.5307	15.9190	16.3170	16.7249	17.1430
0417	14.4218	14.7823	15.1519	15.5307	15.9190	16.3170	16.7249	17.1430	17.5716
0418	14.7823	15.1519	15.5307	15.9190	16.3170	16.7249	17.1430	17.5716	18.0109
0419	15.1519	15.5307	15.9190	16.3170	16.7249	17.1430	17.5716	18.0109	18.4612
0420	15.5307	15.9190	16.3170	16.7249	17.1430	17.5716	18.0109	18.4612	18.9227
0421	15.9190	16.3170	16.7249	17.1430	17.5716	18.0109	18.4612	18.9227	19.3958
0422	16.3170	16.7249	17.1430	17.5716	18.0109	18.4612	18.9227	19.3958	19.8807
0423	16.7249	17.1430	17.5716	18.0109	18.4612	18.9227	19.3958	19.8807	20.3777
0424	17.1430	17.5716	18.0109	18.4612	18.9227	19.3958	19.8807	20.3777	20.8871
0425	17.5716	18.0109	18.4612	18.9227	19.3958	19.8807	20.3777	20.8871	21.4093
0426	18.0109	18.4612	18.9227	19.3958	19.8807	20.3777	20.8871	21.4093	21.9445
0427	18.4612	18.9227	19.3958	19.8807	20.3777	20.8871	21.4093	21.9445	22.4931
0428	18.9227	19.3958	19.8807	20.3777	20.8871	21.4093	21.9445	22.4931	23.0554

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0415	1,098.14	1,125.60	1,153.74	1,182.58	1,212.15	1,242.46	1,273.52	1,305.36	1,337.99
0416	1,125.60	1,153.74	1,182.58	1,212.15	1,242.46	1,273.52	1,305.36	1,337.99	1,371.44
0417	1,153.74	1,182.58	1,212.15	1,242.46	1,273.52	1,305.36	1,337.99	1,371.44	1,405.73
0418	1,182.58	1,212.15	1,242.46	1,273.52	1,305.36	1,337.99	1,371.44	1,405.73	1,440.87
0419	1,212.15	1,242.46	1,273.52	1,305.36	1,337.99	1,371.44	1,405.73	1,440.87	1,476.90
0420	1,242.46	1,273.52	1,305.36	1,337.99	1,371.44	1,405.73	1,440.87	1,476.90	1,513.82
0421	1,273.52	1,305.36	1,337.99	1,371.44	1,405.73	1,440.87	1,476.90	1,513.82	1,551.66
0422	1,305.36	1,337.99	1,371.44	1,405.73	1,440.87	1,476.90	1,513.82	1,551.66	1,590.46
0423	1,337.99	1,371.44	1,405.73	1,440.87	1,476.90	1,513.82	1,551.66	1,590.46	1,630.22
0424	1,371.44	1,405.73	1,440.87	1,476.90	1,513.82	1,551.66	1,590.46	1,630.22	1,670.97
0425	1,405.73	1,440.87	1,476.90	1,513.82	1,551.66	1,590.46	1,630.22	1,670.97	1,712.74
0426	1,440.87	1,476.90	1,513.82	1,551.66	1,590.46	1,630.22	1,670.97	1,712.74	1,755.56
0427	1,476.90	1,513.82	1,551.66	1,590.46	1,630.22	1,670.97	1,712.74	1,755.56	1,799.45
0428	1,513.82	1,551.66	1,590.46	1,630.22	1,670.97	1,712.74	1,755.56	1,799.45	1,844.43

MONTHLY	1	2	3	4	5	6	7	8	9
0415	2,388.45	2,448.18	2,509.38	2,572.11	2,636.43	2,702.35	2,769.91	2,839.16	2,910.13
0416	2,448.18	2,509.38	2,572.11	2,636.43	2,702.35	2,769.91	2,839.16	2,910.13	2,982.88
0417	2,509.38	2,572.11	2,636.43	2,702.35	2,769.91	2,839.16	2,910.13	2,982.88	3,057.46
0418	2,572.11	2,636.43	2,702.35	2,769.91	2,839.16	2,910.13	2,982.88	3,057.46	3,133.89
0419	2,636.43	2,702.35	2,769.91	2,839.16	2,910.13	2,982.88	3,057.46	3,133.89	3,212.26
0420	2,702.35	2,769.91	2,839.16	2,910.13	2,982.88	3,057.46	3,133.89	3,212.26	3,292.56
0421	2,769.91	2,839.16	2,910.13	2,982.88	3,057.46	3,133.89	3,212.26	3,292.56	3,374.86
0422	2,839.16	2,910.13	2,982.88	3,057.46	3,133.89	3,212.26	3,292.56	3,374.86	3,459.25
0423	2,910.13	2,982.88	3,057.46	3,133.89	3,212.26	3,292.56	3,374.86	3,459.25	3,545.73
0424	2,982.88	3,057.46	3,133.89	3,212.26	3,292.56	3,374.86	3,459.25	3,545.73	3,634.36
0425	3,057.46	3,133.89	3,212.26	3,292.56	3,374.86	3,459.25	3,545.73	3,634.36	3,725.21
0426	3,133.89	3,212.26	3,292.56	3,374.86	3,459.25	3,545.73	3,634.36	3,725.21	3,818.34
0427	3,212.26	3,292.56	3,374.86	3,459.25	3,545.73	3,634.36	3,725.21	3,818.34	3,913.80
0428	3,292.56	3,374.86	3,459.25	3,545.73	3,634.36	3,725.21	3,818.34	3,913.80	4,011.64

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99
EFFECTIVE 6/23/98

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
0429	19.3958	19.8807	20.3777	20.8871	21.4093	21.9445	22.4931	23.0554	23.6318
0430	19.8807	20.3777	20.8871	21.4093	21.9445	22.4931	23.0554	23.6318	24.2226
0431	20.3777	20.8871	21.4093	21.9445	22.4931	23.0554	23.6318	24.2226	24.8282
0432	20.8871	21.4093	21.9445	22.4931	23.0554	23.6318	24.2226	24.8282	25.4489
0433	21.4093	21.9445	22.4931	23.0554	23.6318	24.2226	24.8282	25.4489	26.0851
0434	21.9445	22.4931	23.0554	23.6318	24.2226	24.8282	25.4489	26.0851	26.7372
0435	22.4931	23.0554	23.6318	24.2226	24.8282	25.4489	26.0851	26.7372	27.4056
0436	23.0554	23.6318	24.2226	24.8282	25.4489	26.0851	26.7372	27.4056	28.0907
0437	23.6318	24.2226	24.8282	25.4489	26.0851	26.7372	27.4056	28.0907	28.7930
0438	24.2226	24.8282	25.4489	26.0851	26.7372	27.4056	28.0907	28.7930	29.5128
0439	24.8282	25.4489	26.0851	26.7372	27.4056	28.0907	28.7930	29.5128	30.2506
0440	25.4489	26.0851	26.7372	27.4056	28.0907	28.7930	29.5128	30.2506	31.0069
0441	26.0851	26.7372	27.4056	28.0907	28.7930	29.5128	30.2506	31.0069	31.7821
0442	26.7372	27.4056	28.0907	28.7930	29.5128	30.2506	31.0069	31.7821	32.5767

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0429	1,551.66	1,590.46	1,630.22	1,670.97	1,712.74	1,755.56	1,799.45	1,844.43	1,890.54
0430	1,590.46	1,630.22	1,670.97	1,712.74	1,755.56	1,799.45	1,844.43	1,890.54	1,937.81
0431	1,630.22	1,670.97	1,712.74	1,755.56	1,799.45	1,844.43	1,890.54	1,937.81	1,986.26
0432	1,670.97	1,712.74	1,755.56	1,799.45	1,844.43	1,890.54	1,937.81	1,986.26	2,035.91
0433	1,712.74	1,755.56	1,799.45	1,844.43	1,890.54	1,937.81	1,986.26	2,035.91	2,086.81
0434	1,755.56	1,799.45	1,844.43	1,890.54	1,937.81	1,986.26	2,035.91	2,086.81	2,138.98
0435	1,799.45	1,844.43	1,890.54	1,937.81	1,986.26	2,035.91	2,086.81	2,138.98	2,192.45
0436	1,844.43	1,890.54	1,937.81	1,986.26	2,035.91	2,086.81	2,138.98	2,192.45	2,247.26
0437	1,890.54	1,937.81	1,986.26	2,035.91	2,086.81	2,138.98	2,192.45	2,247.26	2,303.44
0438	1,937.81	1,986.26	2,035.91	2,086.81	2,138.98	2,192.45	2,247.26	2,303.44	2,361.02
0439	1,986.26	2,035.91	2,086.81	2,138.98	2,192.45	2,247.26	2,303.44	2,361.02	2,420.05
0440	2,035.91	2,086.81	2,138.98	2,192.45	2,247.26	2,303.44	2,361.02	2,420.05	2,480.55
0441	2,086.81	2,138.98	2,192.45	2,247.26	2,303.44	2,361.02	2,420.05	2,480.55	2,542.57
0442	2,138.98	2,192.45	2,247.26	2,303.44	2,361.02	2,420.05	2,480.55	2,542.57	2,606.14

MONTHLY	1	2	3	4	5	6	7	8	9
0429	3,374.86	3,459.25	3,545.73	3,634.36	3,725.21	3,818.34	3,913.80	4,011.64	4,111.92
0430	3,459.25	3,545.73	3,634.36	3,725.21	3,818.34	3,913.80	4,011.64	4,111.92	4,214.74
0431	3,545.73	3,634.36	3,725.21	3,818.34	3,913.80	4,011.64	4,111.92	4,214.74	4,320.12
0432	3,634.36	3,725.21	3,818.34	3,913.80	4,011.64	4,111.92	4,214.74	4,320.12	4,428.10
0433	3,725.21	3,818.34	3,913.80	4,011.64	4,111.92	4,214.74	4,320.12	4,428.10	4,538.81
0434	3,818.34	3,913.80	4,011.64	4,111.92	4,214.74	4,320.12	4,428.10	4,538.81	4,652.28
0435	3,913.80	4,011.64	4,111.92	4,214.74	4,320.12	4,428.10	4,538.81	4,652.28	4,768.58
0436	4,011.64	4,111.92	4,214.74	4,320.12	4,428.10	4,538.81	4,652.28	4,768.58	4,887.79
0437	4,111.92	4,214.74	4,320.12	4,428.10	4,538.81	4,652.28	4,768.58	4,887.79	5,009.98
0438	4,214.74	4,320.12	4,428.10	4,538.81	4,652.28	4,768.58	4,887.79	5,009.98	5,135.22
0439	4,320.12	4,428.10	4,538.81	4,652.28	4,768.58	4,887.79	5,009.98	5,135.22	5,263.61
0440	4,428.10	4,538.81	4,652.28	4,768.58	4,887.79	5,009.98	5,135.22	5,263.61	5,395.20
0441	4,538.81	4,652.28	4,768.58	4,887.79	5,009.98	5,135.22	5,263.61	5,395.20	5,530.09
0442	4,652.28	4,768.58	4,887.79	5,009.98	5,135.22	5,263.61	5,395.20	5,530.09	5,668.35

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99
EFFECTIVE 6/23/98

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
0443	27.4056	28.0907	28.7930	29.5128	30.2506	31.0069	31.7821	32.5767	33.3911
0444	28.0907	28.7930	29.5128	30.2506	31.0069	31.7821	32.5767	33.3911	34.2259
0445	28.7930	29.5128	30.2506	31.0069	31.7821	32.5767	33.3911	34.2259	35.0815
0446	29.5128	30.2506	31.0069	31.7821	32.5767	33.3911	34.2259	35.0815	35.9585
0447	30.2506	31.0069	31.7821	32.5767	33.3911	34.2259	35.0815	35.9585	36.8575
0448	31.0069	31.7821	32.5767	33.3911	34.2259	35.0815	35.9585	36.8575	37.7789
0449	31.7821	32.5767	33.3911	34.2259	35.0815	35.9585	36.8575	37.7789	38.7234
0450	32.5767	33.3911	34.2259	35.0815	35.9585	36.8575	37.7789	38.7234	39.6915
0451	33.3911	34.2259	35.0815	35.9585	36.8575	37.7789	38.7234	39.6915	40.6838
0452	34.2259	35.0815	35.9585	36.8575	37.7789	38.7234	39.6915	40.6838	41.7009
0453	35.0815	35.9585	36.8575	37.7789	38.7234	39.6915	40.6838	41.7009	42.7434
0454	35.9585	36.8575	37.7789	38.7234	39.6915	40.6838	41.7009	42.7434	43.8120
0455	36.8575	37.7789	38.7234	39.6915	40.6838	41.7009	42.7434	43.8120	44.9073
0456	37.7789	38.7234	39.6915	40.6838	41.7009	42.7434	43.8120	44.9073	46.0300

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0443	2,192.45	2,247.26	2,303.44	2,361.02	2,420.05	2,480.55	2,542.57	2,606.14	2,671.29
0444	2,247.26	2,303.44	2,361.02	2,420.05	2,480.55	2,542.57	2,606.14	2,671.29	2,738.07
0445	2,303.44	2,361.02	2,420.05	2,480.55	2,542.57	2,606.14	2,671.29	2,738.07	2,806.52
0446	2,361.02	2,420.05	2,480.55	2,542.57	2,606.14	2,671.29	2,738.07	2,806.52	2,876.68
0447	2,420.05	2,480.55	2,542.57	2,606.14	2,671.29	2,738.07	2,806.52	2,876.68	2,948.60
0448	2,480.55	2,542.57	2,606.14	2,671.29	2,738.07	2,806.52	2,876.68	2,948.60	3,022.31
0449	2,542.57	2,606.14	2,671.29	2,738.07	2,806.52	2,876.68	2,948.60	3,022.31	3,097.87
0450	2,606.14	2,671.29	2,738.07	2,806.52	2,876.68	2,948.60	3,022.31	3,097.87	3,175.32
0451	2,671.29	2,738.07	2,806.52	2,876.68	2,948.60	3,022.31	3,097.87	3,175.32	3,254.70
0452	2,738.07	2,806.52	2,876.68	2,948.60	3,022.31	3,097.87	3,175.32	3,254.70	3,336.07
0453	2,806.52	2,876.68	2,948.60	3,022.31	3,097.87	3,175.32	3,254.70	3,336.07	3,419.47
0454	2,876.68	2,948.60	3,022.31	3,097.87	3,175.32	3,254.70	3,336.07	3,419.47	3,504.96
0455	2,948.60	3,022.31	3,097.87	3,175.32	3,254.70	3,336.07	3,419.47	3,504.96	3,592.58
0456	3,022.31	3,097.87	3,175.32	3,254.70	3,336.07	3,419.47	3,504.96	3,592.58	3,682.40

MONTHLY	1	2	3	4	5	6	7	8	9
0443	4,768.58	4,887.79	5,009.98	5,135.22	5,263.61	5,395.20	5,530.09	5,668.35	5,810.06
0444	4,887.79	5,009.98	5,135.22	5,263.61	5,395.20	5,530.09	5,668.35	5,810.06	5,955.30
0445	5,009.98	5,135.22	5,263.61	5,395.20	5,530.09	5,668.35	5,810.06	5,955.30	6,104.18
0446	5,135.22	5,263.61	5,395.20	5,530.09	5,668.35	5,810.06	5,955.30	6,104.18	6,256.78
0447	5,263.61	5,395.20	5,530.09	5,668.35	5,810.06	5,955.30	6,104.18	6,256.78	6,413.21
0448	5,395.20	5,530.09	5,668.35	5,810.06	5,955.30	6,104.18	6,256.78	6,413.21	6,573.52
0449	5,530.09	5,668.35	5,810.06	5,955.30	6,104.18	6,256.78	6,413.21	6,573.52	6,737.87
0450	5,668.35	5,810.06	5,955.30	6,104.18	6,256.78	6,413.21	6,573.52	6,737.87	6,906.32
0451	5,810.06	5,955.30	6,104.18	6,256.78	6,413.21	6,573.52	6,737.87	6,906.32	7,078.97
0452	5,955.30	6,104.18	6,256.78	6,413.21	6,573.52	6,737.87	6,906.32	7,078.97	7,255.95
0453	6,104.18	6,256.78	6,413.21	6,573.52	6,737.87	6,906.32	7,078.97	7,255.95	7,437.35
0454	6,256.78	6,413.21	6,573.52	6,737.87	6,906.32	7,078.97	7,255.95	7,437.35	7,623.29
0455	6,413.21	6,573.52	6,737.87	6,906.32	7,078.97	7,255.95	7,437.35	7,623.29	7,813.86
0456	6,573.52	6,737.87	6,906.32	7,078.97	7,255.95	7,437.35	7,623.29	7,813.86	8,009.22

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES

Effective June 23, 1998

RANGE	TITLE
512	
513	
514	
515	
516	
517	Fire Division Chief
812	Fire Battalion Chief (112 hrs)
1812	Fire Battalion Chief (80 hrs)

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99

Effective 6/23/98

SCHEDULE - E

MANAGEMENT/CONFIDENTIAL FIRE - 80 hours

DIVISION CHIEF

3.00%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
515	31.6735	32.4653	33.2769	34.1088	34.9615	35.8355	36.7314	37.6497	38.5909
516	32.4653	33.2769	34.1088	34.9615	35.8355	36.7314	37.6497	38.5909	39.5557
517	33.2769	34.1088	34.9615	35.8355	36.7314	37.6497	38.5909	39.5557	40.5446
518	34.1088	34.9615	35.8355	36.7314	37.6497	38.5909	39.5557	40.5446	41.5582
519	34.9615	35.8355	36.7314	37.6497	38.5909	39.5557	40.5446	41.5582	42.5972
520	35.8355	36.7314	37.6497	38.5909	39.5557	40.5446	41.5582	42.5972	43.6621
521	36.7314	37.6497	38.5909	39.5557	40.5446	41.5582	42.5972	43.6621	44.7537
522	37.6497	38.5909	39.5557	40.5446	41.5582	42.5972	43.6621	44.7537	45.8725
523	38.5909	39.5557	40.5446	41.5582	42.5972	43.6621	44.7537	45.8725	47.0193
524	39.5557	40.5446	41.5582	42.5972	43.6621	44.7537	45.8725	47.0193	48.1948
525	40.5446	41.5582	42.5972	43.6621	44.7537	45.8725	47.0193	48.1948	49.3997
526	41.5582	42.5972	43.6621	44.7537	45.8725	47.0193	48.1948	49.3997	50.6347
527	42.5972	43.6621	44.7537	45.8725	47.0193	48.1948	49.3997	50.6347	51.9006
528	43.6621	44.7537	45.8725	47.0193	48.1948	49.3997	50.6347	51.9006	53.1981
BI-WEEKLY									
515	2,533.88	2,597.22	2,662.15	2,728.70	2,796.92	2,866.84	2,938.51	3,011.98	3,087.27
516	2,597.22	2,662.15	2,728.70	2,796.92	2,866.84	2,938.51	3,011.98	3,087.27	3,164.46
517	2,662.15	2,728.70	2,796.92	2,866.84	2,938.51	3,011.98	3,087.27	3,164.46	3,243.57
518	2,728.70	2,796.92	2,866.84	2,938.51	3,011.98	3,087.27	3,164.46	3,243.57	3,324.66
519	2,796.92	2,866.84	2,938.51	3,011.98	3,087.27	3,164.46	3,243.57	3,324.66	3,407.78
520	2,866.84	2,938.51	3,011.98	3,087.27	3,164.46	3,243.57	3,324.66	3,407.78	3,492.97
521	2,938.51	3,011.98	3,087.27	3,164.46	3,243.57	3,324.66	3,407.78	3,492.97	3,580.30
522	3,011.98	3,087.27	3,164.46	3,243.57	3,324.66	3,407.78	3,492.97	3,580.30	3,669.80
523	3,087.27	3,164.46	3,243.57	3,324.66	3,407.78	3,492.97	3,580.30	3,669.80	3,761.54
524	3,164.46	3,243.57	3,324.66	3,407.78	3,492.97	3,580.30	3,669.80	3,761.54	3,855.58
525	3,243.57	3,324.66	3,407.78	3,492.97	3,580.30	3,669.80	3,761.54	3,855.58	3,951.98
526	3,324.66	3,407.78	3,492.97	3,580.30	3,669.80	3,761.54	3,855.58	3,951.98	4,050.78
527	3,407.78	3,492.97	3,580.30	3,669.80	3,761.54	3,855.58	3,951.98	4,050.78	4,152.05
528	3,492.97	3,580.30	3,669.80	3,761.54	3,855.58	3,951.98	4,050.78	4,152.05	4,255.85
MONTHLY									
515	5,511.19	5,648.95	5,790.18	5,934.92	6,083.30	6,235.38	6,391.26	6,551.06	6,714.81
516	5,648.95	5,790.18	5,934.92	6,083.30	6,235.38	6,391.26	6,551.06	6,714.81	6,882.70
517	5,790.18	5,934.92	6,083.30	6,235.38	6,391.26	6,551.06	6,714.81	6,882.70	7,054.76
518	5,934.92	6,083.30	6,235.38	6,391.26	6,551.06	6,714.81	6,882.70	7,054.76	7,231.14
519	6,083.30	6,235.38	6,391.26	6,551.06	6,714.81	6,882.70	7,054.76	7,231.14	7,411.92
520	6,235.38	6,391.26	6,551.06	6,714.81	6,882.70	7,054.76	7,231.14	7,411.92	7,597.21
521	6,391.26	6,551.06	6,714.81	6,882.70	7,054.76	7,231.14	7,411.92	7,597.21	7,787.15
522	6,551.06	6,714.81	6,882.70	7,054.76	7,231.14	7,411.92	7,597.21	7,787.15	7,981.82
523	6,714.81	6,882.70	7,054.76	7,231.14	7,411.92	7,597.21	7,787.15	7,981.82	8,181.35
524	6,882.70	7,054.76	7,231.14	7,411.92	7,597.21	7,787.15	7,981.82	8,181.35	8,385.89
525	7,054.76	7,231.14	7,411.92	7,597.21	7,787.15	7,981.82	8,181.35	8,385.89	8,595.56
526	7,231.14	7,411.92	7,597.21	7,787.15	7,981.82	8,181.35	8,385.89	8,595.56	8,810.45
527	7,411.92	7,597.21	7,787.15	7,981.82	8,181.35	8,385.89	8,595.56	8,810.45	9,030.71
528	7,597.21	7,787.15	7,981.82	8,181.35	8,385.89	8,595.56	8,810.45	9,030.71	9,256.47

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99

Effective 6/23/98

SCHEDULE - X

FIRE MANAGEMENT - 80 HRS

BATTALION CHIEF

3.00%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
1812	29.9071	30.6548	31.4212	32.2067	33.0119	33.8372	34.6831	35.5502	36.4390
1813	30.6548	31.4212	32.2067	33.0119	33.8372	34.6831	35.5502	36.4390	37.3500
1814	31.4212	32.2067	33.0119	33.8372	34.6831	35.5502	36.4390	37.3500	38.2838
1815	32.2067	33.0119	33.8372	34.6831	35.5502	36.4390	37.3500	38.2838	39.2409
1816	33.0119	33.8372	34.6831	35.5502	36.4390	37.3500	38.2838	39.2409	40.2219
1817	33.8372	34.6831	35.5502	36.4390	37.3500	38.2838	39.2409	40.2219	41.2274
1818	34.6831	35.5502	36.4390	37.3500	38.2838	39.2409	40.2219	41.2274	42.2581
1819	35.5502	36.4390	37.3500	38.2838	39.2409	40.2219	41.2274	42.2581	43.3146
1820	36.4390	37.3500	38.2838	39.2409	40.2219	41.2274	42.2581	43.3146	44.3975
1821	37.3500	38.2838	39.2409	40.2219	41.2274	42.2581	43.3146	44.3975	45.5074
1822	38.2838	39.2409	40.2219	41.2274	42.2581	43.3146	44.3975	45.5074	46.6451
1823	39.2409	40.2219	41.2274	42.2581	43.3146	44.3975	45.5074	46.6451	47.8112
1824	40.2219	41.2274	42.2581	43.3146	44.3975	45.5074	46.6451	47.8112	49.0065
BI-WEEKLY									
1812	2,392.57	2,452.38	2,513.70	2,576.54	2,640.95	2,706.98	2,774.65	2,844.02	2,915.12
1813	2,452.38	2,513.70	2,576.54	2,640.95	2,706.98	2,774.65	2,844.02	2,915.12	2,988.00
1814	2,513.70	2,576.54	2,640.95	2,706.98	2,774.65	2,844.02	2,915.12	2,988.00	3,062.70
1815	2,576.54	2,640.95	2,706.98	2,774.65	2,844.02	2,915.12	2,988.00	3,062.70	3,139.27
1816	2,640.95	2,706.98	2,774.65	2,844.02	2,915.12	2,988.00	3,062.70	3,139.27	3,217.75
1817	2,706.98	2,774.65	2,844.02	2,915.12	2,988.00	3,062.70	3,139.27	3,217.75	3,298.19
1818	2,774.65	2,844.02	2,915.12	2,988.00	3,062.70	3,139.27	3,217.75	3,298.19	3,380.65
1819	2,844.02	2,915.12	2,988.00	3,062.70	3,139.27	3,217.75	3,298.19	3,380.65	3,465.17
1820	2,915.12	2,988.00	3,062.70	3,139.27	3,217.75	3,298.19	3,380.65	3,465.17	3,551.80
1821	2,988.00	3,062.70	3,139.27	3,217.75	3,298.19	3,380.65	3,465.17	3,551.80	3,640.59
1822	3,062.70	3,139.27	3,217.75	3,298.19	3,380.65	3,465.17	3,551.80	3,640.59	3,731.61
1823	3,139.27	3,217.75	3,298.19	3,380.65	3,465.17	3,551.80	3,640.59	3,731.61	3,824.90
1824	3,217.75	3,298.19	3,380.65	3,465.17	3,551.80	3,640.59	3,731.61	3,824.90	3,920.52
MONTHLY									
1812	5,203.84	5,333.93	5,467.30	5,603.97	5,744.07	5,887.68	6,034.86	6,185.74	6,340.39
1813	5,333.93	5,467.30	5,603.97	5,744.07	5,887.68	6,034.86	6,185.74	6,340.39	6,498.90
1814	5,467.30	5,603.97	5,744.07	5,887.68	6,034.86	6,185.74	6,340.39	6,498.90	6,661.37
1815	5,603.97	5,744.07	5,887.68	6,034.86	6,185.74	6,340.39	6,498.90	6,661.37	6,827.91
1816	5,744.07	5,887.68	6,034.86	6,185.74	6,340.39	6,498.90	6,661.37	6,827.91	6,998.61
1817	5,887.68	6,034.86	6,185.74	6,340.39	6,498.90	6,661.37	6,827.91	6,998.61	7,173.56
1818	6,034.86	6,185.74	6,340.39	6,498.90	6,661.37	6,827.91	6,998.61	7,173.56	7,352.91
1819	6,185.74	6,340.39	6,498.90	6,661.37	6,827.91	6,998.61	7,173.56	7,352.91	7,536.74
1820	6,340.39	6,498.90	6,661.37	6,827.91	6,998.61	7,173.56	7,352.91	7,536.74	7,725.17
1821	6,498.90	6,661.37	6,827.91	6,998.61	7,173.56	7,352.91	7,536.74	7,725.17	7,918.28
1822	6,661.37	6,827.91	6,998.61	7,173.56	7,352.91	7,536.74	7,725.17	7,918.28	8,116.25
1823	6,827.91	6,998.61	7,173.56	7,352.91	7,536.74	7,725.17	7,918.28	8,116.25	8,319.16
1824	6,998.61	7,173.56	7,352.91	7,536.74	7,725.17	7,918.28	8,116.25	8,319.16	8,527.13

CITY OF MODESTO

SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99

Effective 6/23/98

SCHEDULE - Y

FIRE MANAGEMENT - 112 HRS

BATTALION CHIEF 3.00%

Range	1	2	3	4	5	6	7	8	9
HOURLY									
812	21.3624	21.8965	22.4439	23.0050	23.5801	24.1696	24.7738	25.3931	26.0279
813	21.8965	22.4439	23.0050	23.5801	24.1696	24.7738	25.3931	26.0279	26.6786
814	22.4439	23.0050	23.5801	24.1696	24.7738	25.3931	26.0279	26.6786	27.3456
815	23.0050	23.5801	24.1696	24.7738	25.3931	26.0279	26.6786	27.3456	28.0292
816	23.5801	24.1696	24.7738	25.3931	26.0279	26.6786	27.3456	28.0292	28.7299
817	24.1696	24.7738	25.3931	26.0279	26.6786	27.3456	28.0292	28.7299	29.4481
818	24.7738	25.3931	26.0279	26.6786	27.3456	28.0292	28.7299	29.4481	30.1843
819	25.3931	26.0279	26.6786	27.3456	28.0292	28.7299	29.4481	30.1843	30.9389
820	26.0279	26.6786	27.3456	28.0292	28.7299	29.4481	30.1843	30.9389	31.7124
821	26.6786	27.3456	28.0292	28.7299	29.4481	30.1843	30.9389	31.7124	32.5052
822	27.3456	28.0292	28.7299	29.4481	30.1843	30.9389	31.7124	32.5052	33.3178
823	28.0292	28.7299	29.4481	30.1843	30.9389	31.7124	32.5052	33.3178	34.1507
824	28.7299	29.4481	30.1843	30.9389	31.7124	32.5052	33.3178	34.1507	35.0045
BI-WEEKLY									
812	2,392.59	2,452.41	2,513.72	2,576.56	2,640.97	2,707.00	2,774.67	2,844.03	2,915.12
813	2,452.41	2,513.72	2,576.56	2,640.97	2,707.00	2,774.67	2,844.03	2,915.12	2,988.00
814	2,513.72	2,576.56	2,640.97	2,707.00	2,774.67	2,844.03	2,915.12	2,988.00	3,062.71
815	2,576.56	2,640.97	2,707.00	2,774.67	2,844.03	2,915.12	2,988.00	3,062.71	3,139.27
816	2,640.97	2,707.00	2,774.67	2,844.03	2,915.12	2,988.00	3,062.71	3,139.27	3,217.75
817	2,707.00	2,774.67	2,844.03	2,915.12	2,988.00	3,062.71	3,139.27	3,217.75	3,298.19
818	2,774.67	2,844.03	2,915.12	2,988.00	3,062.71	3,139.27	3,217.75	3,298.19	3,380.64
819	2,844.03	2,915.12	2,988.00	3,062.71	3,139.27	3,217.75	3,298.19	3,380.64	3,465.16
820	2,915.12	2,988.00	3,062.71	3,139.27	3,217.75	3,298.19	3,380.64	3,465.16	3,551.79
821	2,988.00	3,062.71	3,139.27	3,217.75	3,298.19	3,380.64	3,465.16	3,551.79	3,640.58
822	3,062.71	3,139.27	3,217.75	3,298.19	3,380.64	3,465.16	3,551.79	3,640.58	3,731.59
823	3,139.27	3,217.75	3,298.19	3,380.64	3,465.16	3,551.79	3,640.58	3,731.59	3,824.88
824	3,217.75	3,298.19	3,380.64	3,465.16	3,551.79	3,640.58	3,731.59	3,824.88	3,920.50
MONTHLY									
812	5,203.88	5,333.99	5,467.34	5,604.02	5,744.11	5,887.73	6,034.91	6,185.77	6,340.39
813	5,333.99	5,467.34	5,604.02	5,744.11	5,887.73	6,034.91	6,185.77	6,340.39	6,498.90
814	5,467.34	5,604.02	5,744.11	5,887.73	6,034.91	6,185.77	6,340.39	6,498.90	6,661.39
815	5,604.02	5,744.11	5,887.73	6,034.91	6,185.77	6,340.39	6,498.90	6,661.39	6,827.91
816	5,744.11	5,887.73	6,034.91	6,185.77	6,340.39	6,498.90	6,661.39	6,827.91	6,998.61
817	5,887.73	6,034.91	6,185.77	6,340.39	6,498.90	6,661.39	6,827.91	6,998.61	7,173.56
818	6,034.91	6,185.77	6,340.39	6,498.90	6,661.39	6,827.91	6,998.61	7,173.56	7,352.89
819	6,185.77	6,340.39	6,498.90	6,661.39	6,827.91	6,998.61	7,173.56	7,352.89	7,536.72
820	6,340.39	6,498.90	6,661.39	6,827.91	6,998.61	7,173.56	7,352.89	7,536.72	7,725.14
821	6,498.90	6,661.39	6,827.91	6,998.61	7,173.56	7,352.89	7,536.72	7,725.14	7,918.26
822	6,661.39	6,827.91	6,998.61	7,173.56	7,352.89	7,536.72	7,725.14	7,918.26	8,116.21
823	6,827.91	6,998.61	7,173.56	7,352.89	7,536.72	7,725.14	7,918.26	8,116.21	8,319.11
824	6,998.61	7,173.56	7,352.89	7,536.72	7,725.14	7,918.26	8,116.21	8,319.11	8,527.09

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)

Effective June 23, 1998

RANGE	TITLE
1612	
1613	
1614	
1615	
1616	
1617	
1618	
1619	
1620	
1621	Police Captain

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99
EFFECTIVE 6/23/98

SCHEDULE - G
MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
1601	20.1044	20.6070	21.1222	21.6503	22.1916	22.7464	23.3151	23.8980	24.4955
1602	20.6070	21.1222	21.6503	22.1916	22.7464	23.3151	23.8980	24.4955	25.1079
1603	21.1222	21.6503	22.1916	22.7464	23.3151	23.8980	24.4955	25.1079	25.7356
1604	21.6503	22.1916	22.7464	23.3151	23.8980	24.4955	25.1079	25.7356	26.3790
1605	22.1916	22.7464	23.3151	23.8980	24.4955	25.1079	25.7356	26.3790	27.0385
1606	22.7464	23.3151	23.8980	24.4955	25.1079	25.7356	26.3790	27.0385	27.7145
1607	23.3151	23.8980	24.4955	25.1079	25.7356	26.3790	27.0385	27.7145	28.4074
1608	23.8980	24.4955	25.1079	25.7356	26.3790	27.0385	27.7145	28.4074	29.1176
1609	24.4955	25.1079	25.7356	26.3790	27.0385	27.7145	28.4074	29.1176	29.8455
1610	25.1079	25.7356	26.3790	27.0385	27.7145	28.4074	29.1176	29.8455	30.5916
1611	25.7356	26.3790	27.0385	27.7145	28.4074	29.1176	29.8455	30.5916	31.3564
1612	26.3790	27.0385	27.7145	28.4074	29.1176	29.8455	30.5916	31.3564	32.1403
1613	27.0385	27.7145	28.4074	29.1176	29.8455	30.5916	31.3564	32.1403	32.9438
1614	27.7145	28.4074	29.1176	29.8455	30.5916	31.3564	32.1403	32.9438	33.7674

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1601	1,608.35	1,648.56	1,689.78	1,732.02	1,775.33	1,819.71	1,865.21	1,911.84	1,959.64
1602	1,648.56	1,689.78	1,732.02	1,775.33	1,819.71	1,865.21	1,911.84	1,959.64	2,008.63
1603	1,689.78	1,732.02	1,775.33	1,819.71	1,865.21	1,911.84	1,959.64	2,008.63	2,058.85
1604	1,732.02	1,775.33	1,819.71	1,865.21	1,911.84	1,959.64	2,008.63	2,058.85	2,110.32
1605	1,775.33	1,819.71	1,865.21	1,911.84	1,959.64	2,008.63	2,058.85	2,110.32	2,163.08
1606	1,819.71	1,865.21	1,911.84	1,959.64	2,008.63	2,058.85	2,110.32	2,163.08	2,217.16
1607	1,865.21	1,911.84	1,959.64	2,008.63	2,058.85	2,110.32	2,163.08	2,217.16	2,272.59
1608	1,911.84	1,959.64	2,008.63	2,058.85	2,110.32	2,163.08	2,217.16	2,272.59	2,329.41
1609	1,959.64	2,008.63	2,058.85	2,110.32	2,163.08	2,217.16	2,272.59	2,329.41	2,387.64
1610	2,008.63	2,058.85	2,110.32	2,163.08	2,217.16	2,272.59	2,329.41	2,387.64	2,447.33
1611	2,058.85	2,110.32	2,163.08	2,217.16	2,272.59	2,329.41	2,387.64	2,447.33	2,508.51
1612	2,110.32	2,163.08	2,217.16	2,272.59	2,329.41	2,387.64	2,447.33	2,508.51	2,571.22
1613	2,163.08	2,217.16	2,272.59	2,329.41	2,387.64	2,447.33	2,508.51	2,571.22	2,635.50
1614	2,217.16	2,272.59	2,329.41	2,387.64	2,447.33	2,508.51	2,571.22	2,635.50	2,701.39

MONTHLY	1	2	3	4	5	6	7	8	9
1601	3,498.16	3,585.62	3,675.27	3,767.14	3,861.34	3,957.87	4,056.83	4,158.25	4,262.22
1602	3,585.62	3,675.27	3,767.14	3,861.34	3,957.87	4,056.83	4,158.25	4,262.22	4,368.77
1603	3,675.27	3,767.14	3,861.34	3,957.87	4,056.83	4,158.25	4,262.22	4,368.77	4,478.00
1604	3,767.14	3,861.34	3,957.87	4,056.83	4,158.25	4,262.22	4,368.77	4,478.00	4,589.95
1605	3,861.34	3,957.87	4,056.83	4,158.25	4,262.22	4,368.77	4,478.00	4,589.95	4,704.70
1606	3,957.87	4,056.83	4,158.25	4,262.22	4,368.77	4,478.00	4,589.95	4,704.70	4,822.32
1607	4,056.83	4,158.25	4,262.22	4,368.77	4,478.00	4,589.95	4,704.70	4,822.32	4,942.88
1608	4,158.25	4,262.22	4,368.77	4,478.00	4,589.95	4,704.70	4,822.32	4,942.88	5,066.47
1609	4,262.22	4,368.77	4,478.00	4,589.95	4,704.70	4,822.32	4,942.88	5,066.47	5,193.12
1610	4,368.77	4,478.00	4,589.95	4,704.70	4,822.32	4,942.88	5,066.47	5,193.12	5,322.94
1611	4,478.00	4,589.95	4,704.70	4,822.32	4,942.88	5,066.47	5,193.12	5,322.94	5,456.01
1612	4,589.95	4,704.70	4,822.32	4,942.88	5,066.47	5,193.12	5,322.94	5,456.01	5,592.40
1613	4,704.70	4,822.32	4,942.88	5,066.47	5,193.12	5,322.94	5,456.01	5,592.40	5,732.21
1614	4,822.32	4,942.88	5,066.47	5,193.12	5,322.94	5,456.01	5,592.40	5,732.21	5,875.52

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99
EFFECTIVE 6/23/98

SCHEDULE - G
MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED

HOURLY 3.00%

Range	1	2	3	4	5	6	7	8	9
1615	28.4074	29.1176	29.8455	30.5916	31.3564	32.1403	32.9438	33.7674	34.6116
1616	29.1176	29.8455	30.5916	31.3564	32.1403	32.9438	33.7674	34.6116	35.4769
1617	29.8455	30.5916	31.3564	32.1403	32.9438	33.7674	34.6116	35.4769	36.3638
1618	30.5916	31.3564	32.1403	32.9438	33.7674	34.6116	35.4769	36.3638	37.2729
1619	31.3564	32.1403	32.9438	33.7674	34.6116	35.4769	36.3638	37.2729	38.2047
1620	32.1403	32.9438	33.7674	34.6116	35.4769	36.3638	37.2729	38.2047	39.1598
1621	32.9438	33.7674	34.6116	35.4769	36.3638	37.2729	38.2047	39.1598	40.1388
1622	33.7674	34.6116	35.4769	36.3638	37.2729	38.2047	39.1598	40.1388	41.1423
1623	34.6116	35.4769	36.3638	37.2729	38.2047	39.1598	40.1388	41.1423	42.1709
1624	35.4769	36.3638	37.2729	38.2047	39.1598	40.1388	41.1423	42.1709	43.2252
1625	36.3638	37.2729	38.2047	39.1598	40.1388	41.1423	42.1709	43.2252	44.3058
1626	37.2729	38.2047	39.1598	40.1388	41.1423	42.1709	43.2252	44.3058	45.4134
1627	38.2047	39.1598	40.1388	41.1423	42.1709	43.2252	44.3058	45.4134	46.5487
1628	39.1598	40.1388	41.1423	42.1709	43.2252	44.3058	45.4134	46.5487	47.7124

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1615	2,272.59	2,329.41	2,387.64	2,447.33	2,508.51	2,571.22	2,635.50	2,701.39	2,768.93
1616	2,329.41	2,387.64	2,447.33	2,508.51	2,571.22	2,635.50	2,701.39	2,768.93	2,838.15
1617	2,387.64	2,447.33	2,508.51	2,571.22	2,635.50	2,701.39	2,768.93	2,838.15	2,909.10
1618	2,447.33	2,508.51	2,571.22	2,635.50	2,701.39	2,768.93	2,838.15	2,909.10	2,981.83
1619	2,508.51	2,571.22	2,635.50	2,701.39	2,768.93	2,838.15	2,909.10	2,981.83	3,056.38
1620	2,571.22	2,635.50	2,701.39	2,768.93	2,838.15	2,909.10	2,981.83	3,056.38	3,132.78
1621	2,635.50	2,701.39	2,768.93	2,838.15	2,909.10	2,981.83	3,056.38	3,132.78	3,211.10
1622	2,701.39	2,768.93	2,838.15	2,909.10	2,981.83	3,056.38	3,132.78	3,211.10	3,291.38
1623	2,768.93	2,838.15	2,909.10	2,981.83	3,056.38	3,132.78	3,211.10	3,291.38	3,373.67
1624	2,838.15	2,909.10	2,981.83	3,056.38	3,132.78	3,211.10	3,291.38	3,373.67	3,458.02
1625	2,909.10	2,981.83	3,056.38	3,132.78	3,211.10	3,291.38	3,373.67	3,458.02	3,544.46
1626	2,981.83	3,056.38	3,132.78	3,211.10	3,291.38	3,373.67	3,458.02	3,544.46	3,633.07
1627	3,056.38	3,132.78	3,211.10	3,291.38	3,373.67	3,458.02	3,544.46	3,633.07	3,723.90
1628	3,132.78	3,211.10	3,291.38	3,373.67	3,458.02	3,544.46	3,633.07	3,723.90	3,816.99

MONTHLY	1	2	3	4	5	6	7	8	9
1615	4,942.88	5,066.47	5,193.12	5,322.94	5,456.01	5,592.40	5,732.21	5,875.52	6,022.42
1616	5,066.47	5,193.12	5,322.94	5,456.01	5,592.40	5,732.21	5,875.52	6,022.42	6,172.98
1617	5,193.12	5,322.94	5,456.01	5,592.40	5,732.21	5,875.52	6,022.42	6,172.98	6,327.29
1618	5,322.94	5,456.01	5,592.40	5,732.21	5,875.52	6,022.42	6,172.98	6,327.29	6,485.48
1619	5,456.01	5,592.40	5,732.21	5,875.52	6,022.42	6,172.98	6,327.29	6,485.48	6,647.63
1620	5,592.40	5,732.21	5,875.52	6,022.42	6,172.98	6,327.29	6,485.48	6,647.63	6,813.80
1621	5,732.21	5,875.52	6,022.42	6,172.98	6,327.29	6,485.48	6,647.63	6,813.80	6,984.14
1622	5,875.52	6,022.42	6,172.98	6,327.29	6,485.48	6,647.63	6,813.80	6,984.14	7,158.75
1623	6,022.42	6,172.98	6,327.29	6,485.48	6,647.63	6,813.80	6,984.14	7,158.75	7,337.73
1624	6,172.98	6,327.29	6,485.48	6,647.63	6,813.80	6,984.14	7,158.75	7,337.73	7,521.19
1625	6,327.29	6,485.48	6,647.63	6,813.80	6,984.14	7,158.75	7,337.73	7,521.19	7,709.20
1626	6,485.48	6,647.63	6,813.80	6,984.14	7,158.75	7,337.73	7,521.19	7,709.20	7,901.93
1627	6,647.63	6,813.80	6,984.14	7,158.75	7,337.73	7,521.19	7,709.20	7,901.93	8,099.48
1628	6,813.80	6,984.14	7,158.75	7,337.73	7,521.19	7,709.20	7,901.93	8,099.48	8,301.95

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective June 23, 1998

RANGE	TITLE
1405	City Clerk/Auditor
1406	
1407 - 1411	
1412	
1413	Personnel Director
1414	
1415	
1416	
1417	
1418	
1419	Finance Director
1420	Fire Chief Community Services and Neighborhood Connections Director Operations and Maintenance Director
1421	
1422	Police Chief Community Development Director Engineering and Transportation Director
1423	
1424	Deputy City Manager City Attorney
1425	
1426	
1427	
1428	City Manager

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 98-99
EFFECTIVE 06/23/98

Executive Management 3.00%

		HOURLY		Bi-weekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405	City clerk/auditor	26.6220	33.2775	2,129.76	2,662.20	4,632.23	5,790.29
1406		27.2876	34.1094	2,183.00	2,728.75	4,748.03	5,935.03
1407		27.9697	34.9622	2,237.58	2,796.98	4,866.74	6,083.43
1408		28.6690	35.8362	2,293.52	2,866.90	4,988.41	6,235.51
1409		29.3857	36.7321	2,350.86	2,938.57	5,113.12	6,391.39
1410		30.1203	37.6504	2,409.63	3,012.03	5,240.95	6,551.17
1411		30.8734	38.5917	2,469.87	3,087.34	5,371.97	6,714.96
1412		31.6452	39.5565	2,531.62	3,164.52	5,506.27	6,882.83
1413	Personnel Director	32.4363	40.5454	2,594.91	3,243.63	5,643.93	7,054.90
1414		33.2472	41.5590	2,659.78	3,324.72	5,785.02	7,231.27
1415		34.0784	42.5980	2,726.27	3,407.84	5,929.64	7,412.05
1416		34.9304	43.6630	2,794.43	3,493.04	6,077.89	7,597.36
1417		35.8036	44.7545	2,864.29	3,580.36	6,229.83	7,787.28
1418		36.6987	45.8734	2,935.90	3,669.87	6,385.58	7,981.97
1419	Finance Director	37.6162	47.0203	3,009.30	3,761.62	6,545.23	8,181.52
1420	Community Services & Neighbor-	38.5566	48.1958	3,084.53	3,855.66	6,708.85	8,386.06
	hood Connections Director						
	Fire Chief						
	Operations & Maintenance Director						
1421		39.5205	49.4006	3,161.64	3,952.05	6,876.57	8,595.71
1422	Police Chief	40.5085	50.6356	3,240.68	4,050.85	7,048.48	8,810.60
	Community Development Director						
	Engineering and Transportation						
	Director						
1423		41.5212	51.9015	3,321.70	4,152.12	7,224.70	9,030.86
1424	Deputy City Manager	42.5592	53.1990	3,404.74	4,255.92	7,405.31	9,256.63
	City Attorney						
1425		43.6232	54.5290	3,489.86	4,362.32	7,590.45	9,488.05
1426		44.7138	55.8923	3,577.10	4,471.38	7,780.19	9,725.25
1427		45.8316	57.2895	3,666.53	4,583.16	7,974.70	9,968.37
1428	City Manager	46.9774	58.7218	3,758.19	4,697.74	8,174.06	10,217.58
1429		48.1518	60.1898	3,852.14	4,815.18	8,378.40	10,473.02
1430		49.3556	61.6945	3,948.45	4,935.56	8,587.88	10,734.84
1431		50.5895	63.2369	4,047.16	5,058.95	8,802.57	11,003.22
1432		51.8542	64.8178	4,148.34	5,185.42	9,022.64	11,278.29
1433		53.1506	66.4383	4,252.05	5,315.06	9,248.21	11,560.26
1434		54.4794	68.0993	4,358.35	5,447.94	9,479.41	11,849.27
1435		55.8414	69.8018	4,467.31	5,584.14	9,716.40	12,145.50

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-259

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CTIC ASSOCIATES FOR CONSULTATION SERVICES FOR THE RENEGOTIATION OF THE CABLE FRANCHISE CONTRACT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and CTIC Associates for consultation serv ices for the renegotiation of the cable franchise contract be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-260

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO ESTIMATE REVENUE AND TO APPROPRIATE $7,500 IN EXPENDITURES

WHEREAS, the Modesto Centre Plaza offers insurance for special events requiring insurance through an insurance company. The payment equals the amount received from renters; and

WHEREAS, more insurance than anticipated has been sold during the current fiscal year. In order to continue offering special events insurance, the budget needs to be amended to provide additional expenditures and revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Revenue	
#670-340-3412-8123	$7,500
Expense	
#670-340-3412-0415	$7,500

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-261

Print

A RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY FOR THE UTILIZATION OF PERSONAL PROPERTY TAX FROM AIRCRAFT BASED AT THE MODESTO CITY-COUNTY AIRPORT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with the County of Stanislaus for the utilization of personal property tax from aircraft based at the Modesto City-County Airport, be, and is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-262

Print

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 1998-1 (ENTERPRISE BUSINESS PARK) AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE PROPOSED DISTRICT

WHEREAS, Marvin L. Oates (the "Property Owner") has filed with the City Clerk of the City of Modesto (the "City") a petition and supplement thereto, requesting the City Council (the "Council") to form Community Facilities District No. 1998-1 of the City (the "District"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act") in order: (i) to finance the construction and acquisition of certain street improvements, water, sewer and storm drainage improvements, and service extensions for electric power, natural gas and telephone connections, including planning, design and engineering costs and all other expenses incidental thereto (the "Facilities"), which are further described in Exhibit B hereto; and (ii) to finance certain services (the "Services"), which are described in Exhibit C hereto; and

WHEREAS, the Property Owner is the owner of more than 10 percent of the area of land proposed to be included within the District; and

WHEREAS, pursuant to Section 53320 of the California Government Code, upon receipt of such petition requesting the institution of proceedings for the establishment of a community facilities district, the Council is required to adopt a resolution of intention to establish a community facilities district; and

WHEREAS, in the event the District is established, it is the intention of the Council to: finance the costs of the construction and acquisition of the Facilities through the authorization, issuance and sale of bonds to be approved at an election to be held within the boundaries of the District, (ii) through the levy of a special tax, pay the principal of and interest on such bonds and (iii) through the levy of a special tax, finance such Services; and

WHEREAS, this Council has adopted local goals and policies concerning the use of the Act;

NOW, THEREFORE, that the Council hereby finds and determines and orders as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The petition submitted by the Property Owner and referenced in the above recitals is signed by a landowner owning the requisite portion of the area to be included within the proposed community facilities district in compliance with Sections 53318 and 53319 of the Act.

SECTION 3. The District is proposed to be established under the terms of the Act. The name proposed for the District is "Community Facilities District No. 1998-1 (Enterprise Business Park)."

SECTION 4. The boundaries of the District are shown on a map, entitled "Proposed Boundaries of Community Facilities District No. 1998-1 (Enterprise Business Park) of

the City of Modesto, County of Stanislaus, State of California," on file in the office of the City Clerk. Pursuant to Sections 3110 and 3111 of the California Streets and Highways Code, the City Clerk shall certify on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in the City Clerk's office and, within 15 days after the adoption of this Resolution and not later than 15 days prior to the date of the public hearing referred to in Section 9, file a copy of the map with the County Recorder of the County of Stanislaus.

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

SECTION 5. The Facilities proposed to be provided by the District are public facilities authorized to be acquired or constructed under the Act that have a useful life of five (5) years or longer. The proposed Facilities are governmental facilities which the Council is authorized by law to contribute revenue to, or construct, own or operate; or which a local public agency is authorized by law to provide. The Council further determines that such Facilities are necessary to meet increased demands placed upon the City and other local agencies as a result of development occurring within the boundaries of the District.

The Facilities are proposed to include any and all incidental expenses related thereto, as authorized by the Act.

The Services proposed to be provided by the District are in addition to those provided in the District before its creation, since no such services have been or will be provided in the District before its creation.

SECTION 6. The Council determines that the public interest will not be served by allowing property owners to enter into a contract pursuant to Section 53329.5(a) of the Act.

SECTION 7. (a) It is the intention of the Council that, except where funds are otherwise available to pay for the Facilities, including the incidental expenses thereof, and/or the principal and interest as it becomes due on the bonds of the District issued to finance the Facilities, and the Services, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District. The rate, method of apportionment and manner of collection of such proposed special tax is set forth in Exhibit A. Exhibit A provides sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that such person will have to pay for the Facilities and the Services.

(b) There is no land that will be used for residential property in the District.

(c) The landowners may prepay the amount needed to discharge the special tax lien securing that portion of the special tax levied for the Facilities pursuant to the procedures set forth in Exhibit A.

(d) If the special tax is so prepaid and permanently satisfied as to a particular parcel of land, this Council shall prepare and record in the office of the County Recorder of the County of Stanislaus, who shall accept for recordation, a Notice of Cancellation of Special Tax Lien as to that parcel. The Notice of Cancellation of Special Tax Lien shall identify with particularity the special tax which has been prepaid and permanently satisfied, shall state the book and page number in the records of the County Recorder where the Notice of Special Tax Lien being canceled is recorded, shall contain the legal description and assessor's parcel number of the particular parcel of land subject to the lien, and shall contain the name of the owner of

record of the parcel. The County Recorder shall mail the original Notice of Cancellation of Special Tax Lien to the owner of the property after recording the document. This Council may specify a charge for the preparation and recordation of the Notice.

SECTION 8. The landowners within the District who have advanced funds or provided work-in-kind shall be reimbursed, and the District also shall be reimbursed for money and services advanced for the formation of the District and its ongoing administration, and the acquisition, purchase, modification, expansion, improvement, rehabilitation, leasing and/or construction of the Facilities, all in accordance with and subject to the Act (including without limitation Section 53314.9 thereof) or other applicable law.

SECTION 9. A public hearing on the establishment of the District and the proposed rate, method of apportionment, and manner of collection of the special tax shall be held at 4:00 p.m., or as soon thereafter as practicable, on Tuesday, June 23, 1998, at the regular meeting place of the City Council, City Council Chambers, 801 11th Street, 1st Floor, Modesto, California 95354, such time being not less than 30 or more than 60 days following the adoption hereof.

SECTION 10. The Engineering and Transportation Director, as the officer of the City who will be responsible for providing the proposed Facilities and Services to be financed by the District, if it is established, is directed to study the proposed District, and, at or before the time of the hearing, cause to be prepared and filed with the Council a report containing: (a) a brief description of the Facilities and Services by type which will in such officer's opinion be required to adequately meet the needs of the District; (b) an estimate of the cost of providing the Facilities and Services; (c) an estimate of the fair and reasonable cost of any of the Facilities to be purchased; and (d) an estimate of the fair and reasonable cost of incidental expenses.

The report shall be made a part of the record of the hearing to be held pursuant to Section 9 hereof.

SECTION 11. At the time and place set forth in this Resolution for the hearing, any interested persons, including taxpayers, property owners and registered voters residing within the boundaries of the proposed District, may appear and be heard, and the testimony of all interested persons for or against the establishment of the District, the extent of the District, the furnishing of the Facilities and Services, or the proposed rate, method of apportionment and manner of collection of the special tax will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 12. The City Clerk is directed to publish a notice (the "Notice") of the hearing described in Section 9, in the form required by the Act, not later than seven (7) days prior thereto, in a newspaper of general circulation published in the area of the District, being *The Modesto Bee*, and otherwise in accordance with Section 6061 of the California Government Code.

SECTION 13. (a) If fifty percent (50%) or more of the registered voters, or six (6) registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (½) or more of the area of the land in the territory proposed to be included in the District and not exempt from the special tax, file written protests against the establishment of the District, and the protests are not withdrawn so as to reduce the value of the

protests to less than a majority, no further proceedings to create the District, or to levy the specified special tax, shall be taken for a period of one year from the date of the decision of the Council.

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

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

SECTION 14. (a) If, after the hearing described in Section 9, the Council adopts a resolution of formation establishing the District and submits the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the resolution of formation, unless such procedures are waived in writing by 100% of those eligible to vote. The City Clerk shall, within three business days after the adoption of the resolution of formation, provide a copy of the resolution of formation, a certified map of sufficient scale and clarity to show the boundaries of the District, and a sufficient description to allow the election official to determine the boundaries of the District, to the official conducting the election. Assessor's parcel numbers for the land within the District shall be included if it is a landowner election or the District does not conform to an existing district's boundaries and if requested by the official conducting the election.

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

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

(d) The special election on (i) the proposition of the District incurring a bonded indebtedness in an amount not to exceed $2,025,000, (ii) the proposition with respect to the levy of a special tax on the land within the District, and (iii) the proposition with respect to the establishment of an appropriations limit for the District in the amount of $300,000, per fiscal year, if the District is established and such election is held, shall be consolidated.

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

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

(g) Ballots for the special election authorized may be distributed to qualified electors by mail with return postage prepaid or by personal service by the election official. The official conducting the election may certify the proper mailing or personal delivery of ballots by

an affidavit, which shall constitute conclusive proof of such mailing or personal delivery in the absence of fraud. The voted ballots shall be returned to the election officer conducting the election not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

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

If the election is to be conducted by mail ballot, the election official conducting the election shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (1) the name of the landowner; (2) the address of the landowner; (3) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope; (4) the printed name and signature of the voter; (5) the address of the voter; (6) the date of signing and the place of execution of the declaration described in (3) above; and (7) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

The procedures set forth in this Section 14 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

SECTION 15. This Council may, by ordinance, authorize contributions by the City from any sources of revenue not otherwise prohibited by law, of any specified amount, portion or percentage of such revenue for the purpose of acquiring or constructing the Facilities, the acquisition of interests in real property, or the payment of debt service with respect to the financing of either, the provision of authorized Services, and the payment of expenses incidental thereto.

SECTION 16. This Council reserves to itself the right and authority to allow any interested owner of property within the District, subject to the provisions of Section 53344.1 of the Act and to those conditions it may impose, and any applicable prepayment penalties as described in the bond indenture or comparable instrument or document, to tender to the District treasurer in full payment or part payment of any installment of the special taxes or the interest or penalties thereon which may be due or delinquent, but for which a bill has been received, any bond or other obligation secured thereby, the bond or other obligation to be taken at par and credit to be given for the accrued interest shown thereby computed to the date of tender.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: _____
for JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-1
(ENTERPRISE BUSINESS PARK)

RATE, METHOD OF APPORTIONMENT AND MANNER OF COLLECTION OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1998-1 (herein "CFD No. 1998-1") shall be levied and collected according to the tax liability determined by the City, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1998-1, unless exempted by law except as provided in Section I below, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Administrator" shall mean the person or firm designated by the City to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax.

"Annual Administrative Expenses" means the annual cost of any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds of CFD No. 1998-1; the expenses of the City associated with carrying out its duties for such Bonds, including, but not limited to, the levy and collection of Special Tax, the fees and expenses of its counsel, amounts needed to pay rebate to the federal government with respect to any of such Bonds, and costs associated with continuing disclosure; and all other costs and expenses of the City in any way related to the establishment and administration of CFD No. 1998-1. The total Annual Administrative Expenses may be collected as a part of the Facilities Special Tax Requirement, Maintenance Special Tax Requirement or both, but in not event shall the total amount collected in any Calendar Year exceed the total estimated expenses for that year.

"Annual Maintenance Special Tax Requirement" means the amount necessary in any Calendar Year (i) to pay for authorized maintenance expenses, (ii) to pay Annual Administrative Expenses, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in the prior Quarter or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Quarter in which the tax will be collected.

"Assessor's Parcel" or "Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number at the time tax bills are prepared by the City to levy Special Taxes within the CFD. A Parcel which has been created by the recordation of a final subdivision map at least sixty (60) days prior to the start of any Quarter, but for which an Assessor's Parcel number has not yet been assigned, may also be considered an Assessor's Parcel for purposes of Section B.

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

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act), whether in one or more series, issued by the City for CFD No. 1998-1.

"Bond Maturity Date" means the date on which the Bonds mature as identified in the Bond sale documents.

"Bond Maturity Quarter" means the Quarter immediately preceding the Bond Maturity Date.

"Bond Maturity Special Tax" means the Maximum Facilities Special Tax that can be levied in the Bond Maturity Quarter.

"Calendar Year" means the period commencing on January 1 and ending on December 31 of any given year.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1998-1.

"County" means the County of Stanislaus.

"Delinquent Parcel" means any Parcel of Taxable Property for which Special Taxes have not been collected within ten (10) days after the date on which the Special Taxes were due as indicated on the tax bill sent by the City.

"Facilities Special Tax" means a Special Tax levied in any Quarter to pay the Facilities Special Tax Requirement.

"Facilities Special Tax Requirement" means the amount necessary in any Quarter (i) to pay interest on the Bonds for the preceding Quarter (and, in the Bond Maturity Quarter, to pay interest and principal on the Bonds in the following Quarter), (ii) to pay any additional interest costs required to bring the Interest Expense Fund to its full amount after depositing the amount for the previous

Quarter's interest payment, (iii) to pay one-fourth (1/4) of the Annual Administrative Expenses, and (iv) to cure any delinquencies in the payment of principal or interest on indebtedness of CFD No. 1988-1 which have occurred in the prior Quarter and which have not yet been cured from a draw on the Letter of Credit. The Facilities Special Tax Requirement shall be reduced by the following: (i) any credit from interest earnings on the Interest Expense Fund or other Bond funds the earnings on which are available to pay debt service on the Bonds, (ii) proceeds of Special Tax prepayments which are not used or reserved to redeem Bonds, and (iii) the collection of delinquent Special Taxes and associated penalties.

"Interest Expense Fund" means an amount equal to 150 days of interest on the Bonds assuming an annual interest rate of twelve percent (12%).

"Letter of Credit" means the letter of credit relating to the Bonds which shall be issued by a qualified bank, delivered on the closing date of the Bonds, and name the trustee for the Bonds as beneficiary. "Letter of Credit" shall also mean any substitute letter of credit that is issued in the future to replace all or a portion of the original letter of credit issued when Bonds are first sold for CFD No. 1998-1.

"Maintenance Special Tax" means a Special Tax levied in any Quarter to pay a portion of the Annual Maintenance Special Tax Requirement.

"Maximum Quarterly Facilities Special Tax" means the maximum Facilities Special Tax that can be collected in any Quarter, not including the Bond Maturity Quarter, to pay the Facilities Special Tax Requirement.

"Maximum Quarterly Facilities Special Tax Revenues" means the total amount of Facilities Special Tax that can be collected in any Quarter by levying the Maximum Quarterly Facilities Special Tax or the Bond Maturity Special Tax against all Taxable Property within the CFD.

"Maximum Quarterly Maintenance Special Tax" means the Maximum Special Tax that can be levied in any Quarter to pay a portion of the Annual Maintenance Special Tax Requirement.

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

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

"Quarter" means each of the four three-month periods beginning January 1, April 1, July 1 and October 1 of any Calendar Year.

"Taxable Property" means, in any Quarter, all Parcels within CFD No. 1998-1 that are not exempt from the Special Tax pursuant to law except as provided in Section I below.

B. IDENTIFICATION OF TAXABLE PROPERTY

Thirty (30) days prior to the beginning of each Quarter, the Administrator shall prepare a list of Assessor's Parcels within the CFD and shall identify the Acreage for all Parcels of Taxable Property against which a Special Tax will be levied in the upcoming Quarter. The Administrator shall also identify the name and address for the record owner of the Parcel to whom the Special Tax bill shall be sent.

C. MAXIMUM SPECIAL TAX

1. Maximum Quarterly Facilities Special Tax

The Maximum Quarterly Facilities Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $1,019 per Acre.

2. *Bond Maturity Special Tax*

The Bond Maturity Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $32,601 per Acre.

3. Maximum Quarterly Maintenance Special Tax

The Maximum Quarterly Maintenance Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $21.53 per Acre in Calendar Year 1998. Beginning in January 1999 and each January 1 thereafter, the Maximum Quarterly Maintenance Special Tax shall be adjusted by applying the increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available. Each annual adjustment of the Maximum Quarterly Maintenance Special Tax shall become effective immediately after the adjustment is made.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

Thirty (30) days prior to the start of a given Quarter, the Administrator shall calculate the Facilities Special Tax Requirement for the Quarter. If the levy is for other than the Bond Maturity Quarter, the Administrator shall levy a Special Tax, not to exceed the Maximum Quarterly Facilities Special Tax set forth in Section C.1 above, in an equal amount on each Acre of Taxable Property in the CFD until the amount of the levy equals the Facilities Special Tax Requirement for that Quarter.

In the Bond Maturity Quarter, the Administrator shall levy a Special Tax, not to exceed the Bond Maturity Special Tax set forth in Section C.2 above, in an equal amount on each Acre of Taxable Property until the amount of the levy equals the Facilities Special Tax Requirement for the Bond Maturity Quarter.

2. Maintenance Special Tax

Commencing in 1998 and each following Calendar Year, the Administrator shall determine, or shall cause to be determined, the Annual Maintenance Special Tax Requirement for that Calendar Year. The Administrator shall then levy a Maintenance Special Tax, not to exceed the Maximum Quarterly Maintenance Special Tax set forth in Section C.3 above, in an equal amount on each Acre of Taxable Property in the CFD until the amount of the levy equals one-fourth (1/4) of the Annual Maintenance Special Tax Requirement calculated for that Calendar Year.

E. TERMINATION OF SPECIAL TAX

The Maximum Quarterly Facilities Special Tax shall be levied and collected until the Bond Maturity Quarter which shall, in no event, occur later than Calendar Year 2030. The Bond Maturity Special Tax shall be levied and collected in the Bond Maturity Quarter, which shall begin no later than July 1, 2030. The Maximum Quarterly Maintenance Special Tax shall continue to be levied unless and until the City determines that revenues from the Maintenance Special Tax are no longer needed to pay for authorized maintenance services.

F. MANNER OF COLLECTION

All Special Taxes shall be directly billed and collected by the Administrator on a Quarterly basis. Tax bills shall be mailed within seven (7) working days after the start of each Quarter and shall be due and payable within twenty-three (23) days after bills have been mailed. On the day the Quarterly tax bills are mailed, the tax bills shall also be sent via facsimile to each record owner for whom the Administrator is able to obtain a facsimile number; however, failure to fax a tax bill shall in no way affect the obligation of the owner to pay the Special Tax indicated in the amount and by the date indicated on the bill. Notwithstanding the above, after the Bond Maturity Date, the City may elect to levy the Maintenance Special Tax in the same manner and at the same time as ordinary ad valorem property taxes in an annual amount not to exceed four times the then current Maximum Quarterly Maintenance Special Tax.

G. ENFORCEMENT

1. Facilities Special Tax

If a Parcel becomes a Delinquent Parcel, the Bonds secured by the Maximum Facilities Special Tax levied on the Parcel shall be called from proceeds generated from a draw on the Letter of Credit. The following steps shall be applied to implement the call of Bonds:

Step Number:

1. Using the prepayment formula set forth in Section H below, the Administrator shall calculate the Prepayment Amount associated with the Delinquent Parcel.

2. The Administrator shall notify the Trustee of the Prepayment Amount calculated in Step 1.

3. The Trustee shall draw on the Letter of Credit in an amount equal to the Prepayment Amount and shall use the proceeds of the draw to retire Bonds secured by Special Taxes on the Delinquent Parcel.

4. The Administrator shall direct the County Recorder to record a Notice of Cessation of Special Tax against the Delinquent Parcel, which shall state that the obligation to pay the Facilities Special Tax has ceased, but the Maximum Quarterly Maintenance Special Tax shall continue to be levied against the Delinquent Parcel. After recordation of the Notice of Cessation of Special Tax, the Delinquent Parcel will no longer be subject to the Facilities Special Tax levy.

2. Maintenance Special Tax

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

H. PREPAYMENT OF FACILITIES SPECIAL TAX

Only the Facilities Special Tax may be prepaid; the Maintenance Special Tax shall continue to be levied on an annual basis on all Taxable Property in the CFD.

The Facilities Special Tax obligation applicable to an Assessor's Parcel in CFD No. 1998-1 may be prepaid and the obligation of the Assessor's Parcel to pay the Facilities Special Tax permanently satisfied as described herein, provided that a voluntary prepayment may be made only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment.

Notwithstanding the above, the Facilities Special Tax shall be immediately prepaid from the proceeds of a draw on the Letter of Credit if a Parcel becomes a Delinquent Parcel.

For voluntary prepayments, an owner of an Assessor's Parcel intending to prepay the Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City shall notify the owner of the required prepayment amount. Prepayment must be made not less than 60 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Facilities Special Taxes.

The "**Prepayment Amount**" shall be calculated as follows (capitalized terms as defined below):

Bond Redemption Amount	
plus	Redemption Premium
plus	Defeasance
plus	Administrative Fees and Expenses
less	Interest Expense Fund Credit
equals	Prepayment Amount

As of the proposed date of prepayment or upon notification from the Administrator that a Parcel has become a Delinquent Parcel, the Prepayment Amount shall be determined by applying the following steps:

Step Number:

1. Compute the total Maximum Quarterly Facilities Special Tax that could be collected from the Assessor's Parcel prepaying the Facilities Special Tax in the Quarter in which the prepayment will be received by the City.

2. Divide the Maximum Quarterly Facilities Special Tax computed pursuant to Step 1 for such Assessor's Parcel by the Maximum Quarterly Facilities Special Tax Revenues that can be generated in the Quarter in which the prepayment will be received by the City.

3. Multiply the quotient computed pursuant to Step 2 by the principal amount of Bonds that remain outstanding when the Prepayment Amount is calculated to determine the amount of Bonds to be redeemed (*the "Bond Redemption Amount"*).

4. Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Bonds to be redeemed (*the "Redemption Premium"*).

5. Compute the amount needed to pay interest on the Bond Redemption Amount from the last interest payment date on the Bonds until the earliest redemption date on the Bonds.

6. Identify the amount of Facilities Special Taxes levied with respect to the Assessor's Parcel during the current Quarter. If the current Quarter's Facilities Special Tax for that Parcel has not been paid, the amount of such Facilities Special Tax shall be included in the Prepayment Amount.

7. Compute the amount the City reasonably expects to derive from the reinvestment of the Bond Redemption Amount plus the Redemption Premium until the redemption date for the outstanding Bonds that the City expects to redeem with the prepayment.

8. Take the amount computed pursuant to Step 4, add the amounts calculated in Steps 5 and 6, and subtract the amount computed pursuant to Step 7 (*the "Defeasance"*).

9. The administrative fees and expenses of CFD No. 1988-1 are as calculated by the City and include the costs of computing the prepayment, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (*the "Administrative Fees and Expenses"*). For a Delinquent Parcel, the Administrative Fees and Expenses shall also include any costs associated with the draw on the Letter of Credit.

10. An Interest Expense Fund credit shall be calculated as a reduction in the required Interest Expense Fund for the Bonds to be redeemed pursuant to the prepayment (the "*Interest Expense Fund Credit*").

11. The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 4, 8, and 9, less the amount computed pursuant to Step 10 *(the "Prepayment Amount").*

I. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on property owned by a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

EXHIBIT B
DESCRIPTION OF FACILITIES

The development of the Enterprise Business Park will require public streets, water system, sanitary sewer and storm drainage improvements. The project will also require new service extensions for electric power, natural gas and telephone connections. Street improvements include asphaltic concrete, pavement and base, concrete curb, gutter and sidewalk, street lighting, irrigation line reconstruction, sound wall installation (masonry wall), signage, striping and landscaping.

The streets to be improved include Morgan Road, Nelson Way, the new cul-de-sac Rockefeller Court, the extension of Glenn Avenue to the east and Crows Landing Road. In addition to the streets to be improved, water and sewer main extensions will be required from the end of the new cul-de-sac, Rockefeller Court, through proposed easements to and across the Union Pacific Railroad.

EXHIBIT C
DESCRIPTION OF SERVICES

The maintenance of parks, parkways and open space within the District as permitted under Section 53313(d) of the Act.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-263

Print

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF INTENTION TO INCUR A BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED $2,025,000 WITHIN PROPOSED COMMUNITY FACILITIES DISTRICT NO. 1998-1 (ENTERPRISE BUSINESS PARK)

WHEREAS, this Council (the "Council") has adopted its Resolution No. 98-262 (the "Resolution of Intention to Establish the District") stating its intention to establish Community Facilities District No. 1998-1 (Enterprise Business Park) (the "District") pursuant to Chapter 2.5 of Part 1 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), for the purpose of financing the construction and acquisition of certain public improvements (the "Facilities") described in the Resolution of Intention to Establish the District and the incidental expenses thereof; and

WHEREAS, in order to finance the Facilities and all costs incidental thereto, it is necessary to incur bonded indebtedness in an amount not to exceed $2,025,000, the repayment of which is to be secured by special taxes levied in accordance with Section 53328 of the Act and the rate, method of apportionment and manner of collection described in the Resolution of Intention to Establish the District;

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

SECTION 1. The above recitals are true and correct.

SECTION 2. It is necessary to incur bonded indebtedness within the boundaries of the proposed District for the purpose of financing the Facilities described in the Resolution of Intention to Establish the District, and all costs incidental thereto.

SECTION 3. The bonded indebtedness is proposed to be incurred for the purpose of financing the cost of the Facilities, including acquisition and construction costs, and all costs incidental to, or connected with the accomplishment of such purposes and the financing thereof as permitted by Section 53345.3 of the Act.

SECTION 4. The whole of the proposed District shall pay for the bonded indebtedness according to the rate and method of apportionment of the special tax as provided in the Resolution of Intention to Establish the District.

SECTION 5. The bonded indebtedness shall be in an aggregate principal amount not to exceed $2,025,000 at an interest rate or rates not to exceed the maximum rate permitted by law at the time the bonds are issued. The term of the bonds will be determined pursuant to a resolution or resolutions of this Council issuing the bonds, or series thereof, but the term of each such series will in no event exceed thirty (30) years from the date of such series.

SECTION 6. A public hearing on the proposed bonded indebtedness will be held at 4:00p.m., or as soon thereafter as practicable, on Tuesday, June 23, 1998, at the regular meeting place of the City Council, City Council Chambers, 801 11th Street, 1st Floor, Modesto, California 95354.

SECTION 7. At the time and place set forth above for the hearing any person interested, including all persons owning property in the area, may appear and be heard on the proposed debt issuance.

SECTION 8. The City Clerk is directed to publish a notice of the hearing, in the form required by the Act, one time, pursuant to Section 6061 of the Government Code, in a newspaper of general circulation published in the area of the proposed District, being *The Modesto Bee*. Such publication shall be completed at least seven (7) days prior to the date set for the hearing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: _____
for JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-264

A RESOLUTION APPROVING THE GRACEADA PARK PLAYGROUND RENOVATION PROJECT MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Graceada Park Playground Renovation Project Master Plan be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-265

A RESOLUTION APPROVING THE FISCAL YEAR 1998 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), EXCEPTING ITEMS 24 (CHDO) and 52 (STANCO) OF SAID PLAN; APPROVING THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM, AND EMERGENCY SHELTER GRANT (ESG); AUTHORIZING SUBMITTAL OF APPLICATIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED NECESSARY DOCUMENTS.

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of May 26, 1998, to consider the submittal of an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 1998 Fiscal Year Annual Action Plan which describes how the City intends to spend federal assistance received from HUD in the areas of Community Development, Housing Production, and Homeless Assistance,

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

1. That the Annual Action Plan as presented to the Council for the Community Development Block Grant (CDBG), excepting items 24 and 52 of said plan, and the Home Investment Partnership (HOME) Program, and the Emergency Shelter Grant (ESG) are hereby approved, and a copy of said Annual Action Plan is on file in the office of the City Clerk.

2. That the City Manager or his authorized designee are hereby authorized to execute any and all documents necessary in relation to grant agreements, and City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development

(HUD) pertaining to the 1998 Fiscal Year Annual Action Plan which describes how the City intends to spend federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-266

Print

A RESOLUTION APPROVING ITEMS 24 (CHDO) AND 52 (STANCO) OF THE FISCAL YEAR 1998 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), AND AUTHORIZING SUBMITTAL OF APPLICATIONS AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED NECESSARY DOCUMENTS.

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of May 26, 1998, to consider the submittal of an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 1998 Fiscal Year Annual Action Plan which describes how the City intends to spend federal assistance received from HUD in the areas of Community Development, Housing Production, and Homeless Assistance, and

WHEREAS, by Resolution No. 98-265, the Fiscal Year 1998 Annual Action Plan for Community Development Block Grant, with the exception of Items 24 (CHDO) and 52 (STANCO), the Home Investment Partnership (HOME) Program, and the Emergency Shelter Grant (ESG) were approved, and a copy of the Annual Action Plan was filed in the office of the City Clerk.

WHEREAS, the Council of the City of Modesto desires to approve Items 24 (CHDO) and 52 (STANCO) of the Fiscal Year 1998 Annual Action Plan for Community Development Block Grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Items 24 (CHDO) and 52 (STANCO) of the Annual Action Plan for the Community Development Block Grant (CDBG) are hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee are hereby authorized to execute any and all documents necessary in relation to grant agreements relating to Items 24 (CHDO) and 52 (STANCO), and City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to Items 24 (CHDO) and 52 (STANCO) of the 1998 Fiscal Year Annual Action Plan for Community Development Block Grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-267

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(411), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(411). (MID-VALLEY ENGINEERING)

WHEREAS, a verified application for an amendment to Section 32-3-9 of the Zoning Map was filed by Mid-Valley Engineering on February 24, 1998, to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(411), as an addition to Planned Development Zone, P-D(411), to allow expansion of the Sierra Vista Children's Center, property located at 908 Sierra Drive on the south side of Sierra Drive between Rosedale and Roselawn Avenues, described as follows:

R-2 to P-D(411), as an addition to P-D(411)

All that real property situate in a portion of the Southwest one-quarter of Section 32, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Lots 3 and 4, in Block 333, as per Book 15 of Maps of Stanislaus County Records;

Including also all of the Southern one-half of 60.00-foot-wide Sierra Drive and Northern one-half of the 20.00-foot-wide alley, all immediately adjacent to the above-described property.

and

WHEREAS, after a public hearing held on April 20, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-32, that rezoning of the property as

requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed expansion of the planned development zone, by reason of its plot plan design and conditions of approval is compatible with existing and potential surrounding development.

2. That the requested planned development zone expansion for child education classrooms is within a residential area, as designated by the General Plan, which includes provision for such school facilities.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 26 , 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Mid-Valley Engineering for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-32 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3090 -C.S. on the 26th day of May , 1998, reclassifying the above-described property from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(411), as an addition to Planned Development Zone, P-D(411).

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(411), as an addition to Planned Development Zone, P-D(411), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Development Sketch Sierra Vista Children's Center" as amended in red, stamped approved by the City Council on May 26, 1998.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

   Six-foot-high, solid double-sided alternating board fence with decorative masonry pilasters at 16 foot on centers, or stucco wall with masonry pilasters at 16 foot on centers, or masonry wall along the west and east property lines.

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

5. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

6. Trash cans shall be screened from view from any public street.

7. All signs shall comply with the sign requirements of the R-2 Zone.

8. All conditions of City Council Resolution No. 86-1347 not in conflict with this action shall remain in full force and effect.

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

proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(411), as an addition to Planned Development Zone, P-D(411):

The entire construction program be accomplished in one phase, construction to begin on or before April 20, 2000, and completion to be not later than April 20, 2001.

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(411), as an addition to Planned Development Zone, P-D(411), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Community Development Department
Development Services

P-D RESOLUTION

1	Applicant
2	Attorney
1	CDD - George Osner
1	PW&T - Engineering Services
1	CDD - Building Inspection
1	CDD - NPU - Virginia M.
1	PW&T - Jeff Barnes
1	PW&T - Const. Admin.
1	Parks & Recreation - Fred Allen
10	

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-268

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 32-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(411), AS AN ADDITION TO P-D(411), PROPERTY LOCATED AT 908 SIERRA DRIVE ON THE SOUTH SIDE OF SIERRA DRIVE BETWEEN ROSEDALE AND ROSELAWN AVENUES TO ALLOW EXPANSION OF THE SIERRA VISTA CHILDREN'S CENTER. (MID-VALLEY ENGINEERING)

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

WHEREAS, Mid-Valley Engineering has proposed that the zoning designation for the property located at 809 Sierra Drive on the south side of Sierra Drive between Rosedale and Roselawn Avenues, be amended to rezone from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(411), as an addition to P-D(411) in the City of Modesto ("the project"), to allow expansion of the Sierra Vista Children's Center, 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, on March 30, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-15 reviewed the proposed amendment to the Zoning Map and rezone to P-D(411) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(411) project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto
Initial Study

EA NO. 98-15

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request for rezoning from R-2 to P-D as an addition to P-D(411). The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION

A. Project title:
Application of Mid-Valley Engineering to Rezone From R-2 to P-D As An Addition to P-D(411), Property Located on the South Side of Sierra Drive Between Rosedale and Roselawn Avenues at 908 Sierra Drive

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

C. Contact person, address and phone number:
Mid-Valley Engineering/Dennis E. Wilson
900-H Street, suite G
Modesto, CA. 95354
phone (209) 526-4214

D. Project Location:
the South Side of Sierra Drive Between Rosedale and Roselawn Avenues at 908 Sierra Drive

E. Project sponsor:
Dennis E. Wilson

F. General Plan Designation:
residential(R)

G. Zoning:
existing R-2, Medium Density Residential

H. Description of Proposed Project:
This is an application to rezone from R-2 to P-D as an addition to P-D(411) for expansion of the sierra vista children's Center. This expansion will be provided on a noncontiguous 6500 square foot parcel located at 908 Sierra Drive. The expansion will consist of providing a modular classroom for approximately 20 children, a playground area to the side and rear of the modular unit, and a off-street parking area for four cars served from the rear alley.

I. Surrounding land uses:
This property is immediately adjacent to residential uses and one lot removed from the existing P-D(411), sierra Vista children's enter.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

Development of the proposed P-D zone expansion will generate a small increase of traffic in the area. A site traffic mitigation study was not required for this development as part of this development. Development of the proposed P-D zone expansion use is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. Degradation of Air Quality

This proposed P-D zone expansion use is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**

The proposed P-D zone expansion use is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this P-D use, nor will the adjacent residential neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**

The proposed P-D zone expansion use is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned for R-2 uses. The requested P-D zone expansion will allow a children's care/school facility, subject to conditions of approval. This property is also within a Residential (R) area as designated by the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**

The proposed P-D zone expansion use will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. **Increased Demand for Sanitary Sewer Services**

The proposed P-D zone expansion use will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**

The proposed P-D zone expansion use is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites

This proposed P-D zone expansion use will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

The proposed P-D zone expansion use will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

J. Increased Demand for Storm Drainage

The proposed P-D zone expansion use will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

K. Increased Demand for Parks and Open Space

This proposed P-D zone expansion use will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. Increased Demand for Schools

The proposed P-D zone expansion use will not impact the Modesto School system, as this facility will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore still valid.

M. Increased Demand for Police Services

This proposed P-D zone expansion use will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. Increased Demand for Fire Services

proposed P-D zone expansion use will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 2 is located across the street. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.

O. Generation of Solid Waste

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

P. Generation of Hazardous Materials

The proposed P-D zone expansion use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. Landslides and Seismic Activity

The proposed P-D zone expansion use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. Energy

This proposed P-D zone expansion use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed rezoning from R-2 to P-D as an addition to P-D(411) for a children's classroom building, playground, and adjacent parking area is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).

B. The proposed rezoning and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

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

Signature: _____ Date: 3/30/98

EA RESOLUTION

1 Attorney
1 CDD - Construction Administration
1 Initiating Department - Attention: Person's Name in Charge of theProject

3

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-269

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

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

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

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

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

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

Information Services Manager

Systems Engineer

The job specifications for the classification of Information Services Manager (Range 442), as shown on the attached Exhibit "A", and Systems Engineer (Range 438), as

shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a part of this Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Water Distribution System Operator

Cross-Connection Specialist

The job specifications for the classification of Water Distribution System Operator (Range 116), as shown on the attached Exhibit "D", and Cross-Connection Specialist (Range 122), as shown on the attached Exhibit "E", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS ADDED. The Position Classification Plan of the City of Modesto is hereby revised to add the following classifications:

Deputy Director-Engineering & Transportation

Deputy Director-Utilities

The job specifications for the classification of Deputy Director- Engineering & Transportation and Deputy Director-Utilities (Range 452), as shown on the attached Exhibit "C", which is hereby made a part of this resolution by reference, are hereby approved and made a part of this Position Classification Plan of the City of Modesto.

SECTION 4. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Deputy Director Public Works - Engineering

Deputy Director Public Works - Operations

Deputy Director Public Works - Transportation

SECTION 5. EFFECTIVE DATE. This resolution shall become effective on and after May 26, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Mayor Lang was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
No. 3696

May 1998

INFORMATION SERVICES 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

Under general direction, to direct, administer, plan, design, install, maintain, and manage the activities of the City's information systems including: systems analysis, application systems design, programming, network management and computer operation; and to provide highly technical and responsible staff assistance to various City Departments in the area of information systems, management and organization.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Finance Director.

Exercises direct supervision over professional, technical and support staff.

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

Essential Functions:

Develop and direct the implementation of goals, objectives, policies and work standards for the City's central information management function.

Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in the selection of staff.

Design work plans, including work activities and project implementation schedules, monitor work flow, and review and evaluate work product.

Prepare and administer the division budget; prepare professional reports, correspondence and memoranda as required.

Provide excellent customer service to both internal and external customers.

Essential Functions (Continued)

Keep abreast of "state-of-the-art" information technology; develop and recommend long-term plans and strategies for effective utilization of information technology systems.

Analyze technical reports and legislation related to information system matters; evaluates impact upon City operations, recommend and implement equipment, policy and procedural improvements.

Maintain or coordinate with city departments backup systems for files from all critical applications, with appropriate depth to allow recovery from the advent of multiple disasters.

Analyze the City department business operations and evaluate the need for and recommend the most effective use of equipment and personnel.

Establish City-wide standards for hardware, software and local-area-networking technologies of use by City departments.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of information technology systems used in a municipal government setting, including state of the art hardware, software, peripheral equipment, and applications for computer, telephone and data communication systems.

Administrative principles and methods, including goal setting, program and budget development, and management and supervision of technical personnel.

Methods and techniques for project management as applied to computer systems development and installation.

Systems analysis methods and techniques.

General operating principles and parameters of the centralized and departmental personal computers used by the City.

Applicable laws and regulations.

QUALIFICATIONS: (Continued)

Ability to:

Assess user department needs, set priorities and allocate staff to meet such needs in a timely and effective manner providing excellent customer service.

Administer work plans, monitor progress and as required, take action to meet established completion dates.

Analyze a variety of technical documents; prepare comprehensive reports; prepare and administer a budget and maintain detailed records.

Exercise sound independent judgement within general policy guidelines.

Select, train and evaluate professional and technical staff.

Analyze complex problems, evaluate alternatives and make creative recommendations.

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

Experience and Training Guidelines

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

Experience:

Five years of increasingly responsible experience in the management, supervision and administration of information system design, development, implementation, and operations in a centralized operating environment. Experience in a public sector environment is desirable.

Training:

Equivalent to a Bachelor's Degree from an accredited college or university with major coursework in Computer Science, Information Systems Management, Public Administration, Business Administration or a closely related field.

License or Certificates

Possession of or the ability to obtain, a valid California Class C Driver's License.

Additional Requirement

Candidates must pass a P.O.S.T. level background investigation for clearance to work on Police Department information systems prior to appointment.

WORKING CONDITIONS:

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time.

CITY OF MODESTO
No. 3697

MAY 1998

SYSTEMS ENGINEER

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

DEFINITION

Under general direction, to analyze, plan, install, evaluate, monitor, test and maintain systems and application software in a personal computer and client/server environment.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Information Services Manager. May exercise functional and technical supervision over assigned 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, install, evaluate, monitor and maintain client/server operating system releases, enhancements and/or application software.

Supervise, evaluate and coach assigned staff including maintaining discipline and ensuring all rules, policies and procedures are enforced; advise and counsel subordinates; follow up on problems and complaints; participate in the selection of staff.

Oversee, direct and train staff in the analysis, monitoring and fine tuning of the City's UNIX systems.

Work with department management, internal customers, and information technology professionals to define automated solutions to short and long range computer services and integrated network needs.

Manage and support client/server application software products installed throughout the City including connectivity with multiple remote sites.

Perform data base administration on the City's client/server environment.

Provide resolution to systems errors and/or problems as they occur; apply "fixes" to system and program product software.

Work with the organizational team and vendor personnel as appropriate regarding changes to existing systems or to resolve technical questions related to the operating system.

Establish operational and technical procedures for the utilization of client/server systems and program products.

Monitor system performance and evaluate system status and resources; develop and write Unix/Perl scripts to address the monitoring and evaluation function as needed.

Coordinate hardware installation, configuration and maintenance.

Prepare and develop budget recommendations related to client/server environment.

Keep abreast of "state-of-the-art" in information technology.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices and techniques of information systems management including applications, design, hardware and software options for administrative and business-oriented application.

Methods and techniques for project management including identifying project task, scope, team building, resource allocation, scheduling/timelines, and communicating the deliverables/results.

Principles and practices of supervision including selection, training, evaluation and discipline.

Accounting principles, statistical methods, business administration principles, organization techniques and management procedures.

Computer operating environments including UNIX, Windows NT and Windows 95.

QUALIFICATIONS (Continued)

Knowledge of:

Telecommunications including WAN and LAN topologies, hubs, routers, bridges, modems and high speed data communication technology.

Network protocols including TCP/IP and IPX/SPX.

Data base administration concepts.

Analyzing problems and developing solutions.

Principles and techniques of budgeting.

Systems documentation procedures and methods; systems and network security administration.

Ability to:

Solve complex hardware and software problems given minimal diagnosis.

Provide excellent customer service and technical direction to other staff members.

Prepare and present oral and written reports effectively.

Understand technical material and present it in a clear and concise manner to technical and non-technical persons.

Remain abreast of current trends and developments in computer technology.

Reason logically, draw valid conclusions and make appropriate recommendations.

Organize work, establish priorities, and meet deadlines.

Supervise, train, plan, organize and review the work of 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 experience related to the required knowledge involving automated business systems, including technological project management, and the implementation of new systems using client server technology.

Training:

Equivalent to graduation from an accredited four-year college with a major in computer science, mathematics, accounting, public or business administration, or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Additional Requirement:

Incumbents must pass a P.O.S.T. level background investigation for clearance to work on Police Department systems.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for

CITY OF MODESTO
No. 2021
No. 2022

MAY, 1998

DEPUTY DIRECTOR - ENGINEERING & TRANSPORTATION
DEPUTY DIRECTOR - UTILITIES

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

DEFINITION

To assist the Director of Engineering and Transportation in the planning, directing, supervising, and coordinating of departmental functions and engineering activities; to assist in the preparation of operating and capital improvement budgets; and to provide highly complex staff assistance to the Director of Engineering and Transportation.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Engineering and Transportation.

Exercises direct supervision over professional, technical and clerical staff.

Exercises responsible charge of assigned engineering functions.

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

Essential Functions:

Assist in planning, directing, supervising, and coordinating departmental operations; oversee and participate in the development of divisional Work Plans; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

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

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

Essential Functions: (Continued)

Supervise and assist subordinate supervisors in the planning, design, and maintenance of City buildings, equipment and City street, transportation, traffic, water, waste water and drainage systems; establish long-range plans and goals.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Director of Engineering and Transportation; prepare and present staff reports and other necessary correspondence.

Monitor franchises and service agreements related to solid waste, telecommunications or other utilities.

Establish performance expectations and evaluate performance of subordinate personnel.

May be assigned special projects requiring engineering design calculations and using the judgment of a registered professional engineer.

Prepare a variety of correspondence including general and special reports.

Serve as Director of Engineering and Transportation, as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training, management and public works administration.

Principles of budget preparation and expenditure control.

Engineering principles and practices as applied to the field of municipal public works, including planning, development, design, and construction.

QUALIFICATIONS: (Continued)

Knowledge of:

Technical, legal, and financial issues related to the conduct of municipal public works program.

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed public works projects.

Procedures, materials, equipment and methods used in all areas of public works activities.

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

Ability to:

Oversee and coordinate the activities of a number of sections within the Department.

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

Perform a variety of technical and engineering research and prepare reports of findings.

Review and interpret cost estimates.

Effectively represent the Department before the Council, Council Committees, boards, commissions, public agencies and private groups.

Prepare clear and concise written reports and develop appropriate recommendations.

Effectively manage assigned areas of the departmental program.

Establish and maintain cooperative relationships with those contacted during the course of work.

Experience and Training Guidelines

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

Experience:

Five years of increasingly responsible professional civil engineering experience, including at least two years in a supervisory or administrative capacity.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in civil engineering or a related field.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of a valid Certificate of Registration as a Civil Engineer issued by the California State Board of Registration for Professional Engineers. If licensed in another state, candidates will have six (6) months to obtain California Registration.

WORKING CONDITIONS

Environmental Conditions:

Office environment; occasionally travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; traveling to and from sites and attending meetings.

CITY OF MODESTO
NO. 6703

May, 1998

WATER DISTRIBUTION SYSTEM OPERATOR

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

DEFINITION

Under general supervision, perform skilled and semi-skilled labor in the full range of assigned duties related to the Water Distribution System. This may include construction, maintenance, repair, and meter reading activities.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff. May exercise technical and functional supervision of other maintenance staff.

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

Essential Functions:

Lay and fit pipelines, make water line taps, install water services, fire hydrants, blow-offs, valves, meters, vaults, boxes, exercise valves, locate and mark services and mains for Underground Service Alert.

Flush water mains and services to maintain a safe, potable water system.

Respond to emergencies including flood, line breaks and overflows, and repair and restore system as required.

Respond to customer water problems including leaks, low water pressure, meter connects and disconnects, and unusual meter readings.

Collect water samples from wells, mains and services for lab testing.

Read and update water distribution maps and as-built plans and blueprints; analyze projected new routes.

Essential Functions: (Continued)

Identify and locate service and main leaks for heavy crews; operate pipe locators and gas-sensing equipment; install and inspect backflow devices; raise and maintain water meters above ground.

Excavate trenches and install shoring; back fill trenches with proper material to achieve correct compaction.

Operate construction equipment and power tools such as dump trucks, front end loaders, tampers, tap machines, pavement saw, cutting torch and welder.

Operate hand-held and office computers to enter and retrieve data; prepare written and computerized records and reports, and review reports for accuracy.

Install street barricades, cones, flags and standards prior to the performance of construction and repair activities; direct and control traffic around work sites.

Tactfully respond to requests and inquiries from customers of the water utility and from the general public.

Identify equipment needs for each assigned project.

Utilize proper safety precautions related to all work performed.

Perform work in emergency situations as required.

Perform on-call duties as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, techniques, and tools, and the operational characteristics of mechanical equipment used in the construction, maintenance and repair of water utility facilities and meters.

Methods and procedures used in monitoring water systems.

Knowledge of: (Continued)

Practices for collection of water samples.

Basic arithmetic principles.

Disinfection (chlorination) rules and regulations.

Safe work practices.

Ability to:

Perform skilled and semi-skilled maintenance, construction, and repair work in the area of work assigned.

Handle contaminated materials and equipment.

Identify equipment, tools and materials needed for each project.

Fabricate tools and equipment if needed for project.

Identify possible or potential sources of contamination and how to deal with it to ensure a safe water system.

Disassemble water meters, clean meter parts; reassemble meters; test and adjust meters; install and remove meters; check for proper operation of meters.

Perform heavy manual labor, including but not limited to lifting and carrying 100 pounds of weight, climbing, bending, stooping, etc.

Understand and follow oral and written instructions.

Work in confined areas.

Work in deep trenches and follow trenching and shoring safety standards.

Use and operate hand tools, mechanical equipment, power tools, and other equipment required for the work in a safe and efficient manner.

Read and interpret basic maps and blueprints.

Establish and maintain cooperative relationships with those contacted during the course of work.

Experience and Training Guidelines

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

Experience:

One year of increasingly responsible experience performing field maintenance duties. Work experience with a municipal or private water utility is highly desirable.

Training:

Equivalent to graduation from High School or possession of a G.E.D. certificate.

License or Certificate

Possession of an appropriate and valid California driver's license.

Possession of a Grade I Water Distribution Operator Certificate issued by the American Water Works Association (AWWA) is required within 18 months of appointment.

Possession of a Backflow Tester Certificate issued by the American Water Works Association (AWWA) is highly desirable.

WORKING CONDITIONS:

Environmental Conditions:

Field environment; travel from site to site. Hot and cold temperatures; inclement weather; exposure to heavy traffic and other hazards in confined spaces with possible hazardous materials.

Physical Conditions:

Essential and marginal functions may require lifting/carrying objects of up to 100 pounds of weight, maintaining physical condition necessary for walking, standing for long periods of time, crawling; operating motorized equipment and vehicles.

WORKING CONDITIONS: (Continued)

Work Assignment:

Must be willing to work overtime and off hours in emergency situations.

CITY OF MODESTO
No. 6160

MAY, 1998

CROSS CONNECTION SPECIALIST

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 inspect cross connection devices and to inspect, test and certify backflow prevention devices; to read, repair and maintain water meters; and to perform related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory staff. Exercises technical supervision over lower level maintenance staff.

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

Essential Functions:

Administer Cross Connection Control Program

Enforce public health regulations relating to backflow and cross connection control within the City of Modesto's water distribution system.

Conduct cross connection surveys and inspections in order to identify water user premises where cross connections are likely to occur.

Inspect premises for cross connections and certify backflow preventers on new construction or remodels when building permits are issued.

Provide information to contractors, architects and engineers, concerning the City's Cross Connection program.

Maintain the City of Modesto list of certified backflow assembly testers.

Maintain accurate records of backflow preventer locations, testing and repairs.

Essential Functions (Continued)

Maintain annual backflow testing and maintenance schedule with monthly notification program.

Test, maintain and repair backflow preventers on city property and buildings.

Troubleshoot and respond to complaints on backflow preventers within the city's water distribution system.

Inspect water tank trucks to ensure that the trucks have proper air-gap separations.

Maintain records on water trucks relating to its holding capacity in gallons and air gap separation.

Meet with State Health Inspector yearly for review and audit of the City's cross connection and backflow program.

Hydrant Meter Program Duties

Issue hydrant permits.

Enforce hydrant meter program.

Maintain records of repairs, maintenance and calibration of hydrant meters.

Obtain hydrant meter readings for billing.

Repair and test hydrant meters.

Subdivision Meter Program Duties

Repair and maintain meter and check valve assembly.

Other Duties

Work as Maintenance Mechanic - Pumps, if needed.

Operate water automation control board.

Obtain water samples.

Weld and fabricate.

Essential Functions (Continued)

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Inspection, testing, repair and certification of backflow prevention devices, water meters, motors, and pumps.

Inspection and testing of cross connection devices.

Principles, practices, tools, equipment and parts used in maintenance and repair of backflow prevention devices, water meters and lift stations.

Municipal water system and water service components.

Pertinent state, federal and local laws, codes and regulations.

Pertinent safety principles and practices including working in confined spaces.

Principles and practices of electricity, hydraulics, metal cutting and welding.

Basic mathematics.

Basic writing skills including grammar, punctuation, and spelling.

Ability to:

Perform a variety of skilled and complex work in the repair, testing, and certification backflow devices in accordance with state, county and city ordinances and regulations.

Perform skilled and complex work in the inspection, diagnosis, repair and maintenance of cross connection devices, meters, pumps, motors, and computerized and pneumatic controls.

Work independently.

Maintain records and prepare reports.

QUALIFICATIONS (Continued)

Ability to:

Understand and carry out oral and written instructions.

Establish and maintain effective working relationships with others.

Communicate effectively both orally and in writing.

Tactfully deal with the public.

Enforce regulations relating to cross connection and backflow devices.

Perform medium-heavy manual labor, including lifting and carrying up to 75 pounds.

Read and interpret blueprints.

Work in confined spaces.

Experience and Training Guidelines:

Experience:

Two years experience equivalent to Water Distribution System Operator (formerly Meter Reader/Repair or Water Lineworker) or 1 year of experience in the inspection repair and maintenance of backflow prevention devices. Three to six months experience in program administration is desirable.

Training:

Equivalent to completion of twelfth grade supplemented by specialized training in the areas of mechanical maintenance and repair.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

Possession of an American Water Works Association (AWWA) Backflow Prevention Assembly Tester's Certificate.

Experience and Training Guidelines: (Continued)

License or Certificate

Possession of an American Water works Association (AWWA) Cross Connection Control Specialist Grade I Certification.

Personnel Resolution re: Salary Schedule
and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved
1 - Finance
6

MODESTO CITY COUNCIL
RESOLUTION NO. 98-270

Print

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 98-258 ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 97-375."

WHEREAS, by Resolution No. 98-258, effective June 23, 1998, the City Council granted salary and benefit changes to Management And Confidential Employees, Including Council Appointees, and now wishes to further amend Exhibit "A" of Resolution No. 98-258,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 98-258 Exhibit "A" of Resolution No. 98-258 entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 23, 1998", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes, Effective May 26, 1998", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Information Services Manager (Range 442) and Systems Engineer (Range 438) to the Class Range Table, adopts class specifications which reflect title changes for the positions of Deputy Director-Engineering & Transportation and Deputy Director-Utilities (Range 452), and deletes Deputy Director Public Works - Engineering, Deputy Director Public Works - Operations, and Deputy

Director Public Works - Transportation (Range 450) from the Class Range Table..

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after May 26, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by ~~Councilmember~~ Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

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

Effective May 26, 1998

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Accountant I (Confidential) Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Systems Technician Workers' Compensation Claims Examiner I

421	
422	Office Supervisor
423	Custodian Supervisor Police Support Services Supervisor
424	Assistant Planner Asst. City Clerk/Auditor Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Stores Manager
427	Events Supervisor Legal Services Administrator
428	Parks Maintenance Supervisor Airport Maintenance Supervisor Trees Maintenance Supervisor Equipment Maintenance Supervisor I Senior Buyer Accountant II Budget Analyst Public Works Supervisor Building Maintenance Supervisor Customer Services Specialist Customer Services Supervisor
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst

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

441	Airport Manager
	Solid Waste Program Manager
	Transit Manager
	Streets Superintendent
	Parks Operations Superintendent
	Risk Manager
	Assistant Personnel Director
	Recreation Superintendent
	Fleet Manager
	Urban Forestry Superintendent
	Wastewater Collections Superintendent
	Water Superintendent
	Building Maintenance Superintendent
	Police Records Manager
	Fire Marshal
	Golf Services Manager
	Deputy City Attorney II
442	Supv. Building Inspector
	Finance Data Processing Manager
	Supv. Construction Inspector
	Manager of Budget and Financial Analysis
	Information Services Manager
443	Deputy Chief Bldg. Official
	Sr. Deputy City Attorney I
444	General Services Manager
	Principal Planner
445	Customer Services Division Manager
	Accounting Division Manager
	Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Chief Building Official
	Assistant to City Manager
	Asst. Parks & Recreation Dir. - Civic Center
	Asst. Parks & Recreation Dir. - Parks
	Asst. Parks & Recreation Dir. - Recreation
	Business Development Division Manager
	Development Services Division Manager
	Strategic Planning Division Manager
	Senior Civil Engineer
	Traffic Engineer

448	
449	Sr. Deputy City Attorney II
450	
451	
452	Deputy Director - Engineering & Transportation Deputy Director - Utilities
453	Assistant City Attorney

Personnel Resolution re: Salary Schedule
and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved
1 - Finance
6

MODESTO CITY COUNCIL
RESOLUTION NO. 98-271

Print

A RESOLUTION ADOPTING THE SPECIAL ASSIGNMENT OF POLICE DEPUTY CHIEF.

WHEREAS, the Modesto Police Department has seen significant growth over the past few years and currently has 335 full-time employees, and

WHEREAS, this growth in staffing has resulted in significant increases in the resources managed and in the span of control of key staff, and

WHEREAS, the City Council desires to adopt the Special Assignment of Police Deputy Chief, to provide necesssary leadership, as more fully set forth in Exhibit "A" attached hereto, and made a part hereof by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves adoption of the Special Assignment of Police Deputy Chief, as set forth in Exhibit "A" attached hereto, and made a part hereof by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by ~~Councilmember~~ Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Police Deputy Chief
Special Assignment

Subject to the approval of the City Manager, the Police Chief shall have the authority to appoint employees to the assignment of Police Deputy Chief, as follows:

This assignment shall be made from among employees in, or hired into, the classification of Police Captain.

At the Chief's discretion, appointment to the special assignment may be made with, or without, a competitive examination. Once appointed to the assignment of Deputy Chief, the employee shall hold said assignment at the will and pleasure of the Police Chief. Terms and conditions of the assignment shall be at the Chief's discretion. An employee so assigned shall be retained in the classification of Captain, concurrent with the special assignment.

Employees assigned as Police Deputy Chiefs shall be compensated at salary Range 1624, 7.5% above current class of Captain. All benefits for Deputy Chiefs shall be commensurate with those currently provided to Police Captains.

If the Police Chief removes an employee (or an employee resigns) from such a special assignment, the employee shall continue to retain status in the class of Captain (except if the reasons for removal are cause for dismissal). If removed from such a special assignment, the employee shall have no right of appeal or grievance. A Captain's salary step placement upon returning to a standard Captain's position shall be determined by the Chief, but shall not be lower than the last step held prior to appointment to the special assignment.

The total number of special assignments shall be at the sole discretion of the City Manager.

05/26/98

Personnel Resolution re: Salary Schedule
and Classification Plan

2 - Clerk
1 - Attorney
1 - Personnel
1 - Department involved
1 - Finance
6

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-272

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LIFEGUARD HEALTH CARE TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lifeguard Health Care to provide employee group health coverage effective August 1, 1998 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-273

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NATIONAL HEALTH PLANS TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and National Health Plans to provide employee group health coverage effective August 1, 1998 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-274

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFICARE OF CALIFORNIA TO PROVIDE EMPLOYEE GROUP HEALTH COVERAGE EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and PacifiCare of California to provide employee group health coverage effective August 1, 1998 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-275

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFICARE BEHAVIORAL HEALTH FOR SUPPLEMENTAL HEALTH COVERAGE EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and PacifiCare Behavioral Health for supplemental health coverage effective August 1, 1998 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-276

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LANDMARK HEALTHCARE TO FOR SUPPLEMENTAL CHIROPRACTIC CARE EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Landmark Healthcare for supplement chiropractic care effective August 1, 1998 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-277

A RESOLUTION APPROVING AN ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND VISION SERVICE PLAN EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the administrative services agreement between the City of Modesto and Vision Service Plan effective August 1, 1998 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-278

A RESOLUTION APPROVING AN ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS DENTAL FOUNDATION EFFECTIVE AUGUST 1, 1998

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the administrative services agreement between the City of Modesto and Stanislaus Dental Foundation effective August 1, 1998 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-279

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND DELAMARE-FULTZ ENGINEERING AND SURVEYING FOR PROFESSIONAL SURVEY SERVICES FOR CAPITAL IMPROVEMENT PROGRAM PROJECTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and Delamare-Fultz Engineering and Surveying for professional survey services for Capital Improvement Program projects be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-280

Print

A RESOLUTION DECLARING A SURPLUS IN IMPROVEMENT DISTRICT NO. 24.

WHEREAS, the City Council of the City of Modesto has conducted proceedings and completed construction for certain works of improvement in special assessment districts pursuant to the terms and provisions of the "Municipal Improvement Act of 1913", being Division 12 of the Streets and Highways Code of the State of California (the "Act"); said special assessment district known and designated as Assessment District No. 24, and

WHEREAS, after completion of the improvements and payment of all the claims from the Improvement Fund for said Assessment Districts, there remains a surplus in the Improvement Funds, and this legislative body is desirous at this time to make the disposition of said surplus as so provided by Section 10427 of the Act,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the work of improvements, as set forth and described in the Resolution of Intentions for these proceedings, have been completed to the satisfaction of this legislative body, and all payments have either been made or set aside for all existing or potential claims, costs and expenses.

SECTION 3. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be applied as a credit or payment to property owners within the boundaries of the Assessment Districts on a pro-rata basis generally determined as follows:

A. To those who paid in cash, the proportionate share of the surplus

shall be returned in cash to the person or persons owning the property for which the assessment or installment has been paid;

B. Where any part of an individual assessment remains unpaid and is payable in installments, the amount apportioned to each parcel shall be used to reduce the original assessment filed at the County of Stanislaus.

SECTION 4. That a portion of the surplus monies, at this time remaining in the Improvement Fund, shall be applied towards a bond call in the Assessment Districts.

SECTION 5. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be transferred to a special Department of Public Works Maintenance Account to be used for maintenance projects within the Assessment Districts.

SECTION 6. Prior to any distribution as set forth above, the lesser amount of $1,000 or five percent (5%) of the amounts expended from the Improvement Funds shall be transferred to the General Fund of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-281

A RESOLUTION DECLARING A SURPLUS IN IMPROVEMENT DISTRICT NO. 28.

WHEREAS, the City Council of the City of Modesto has conducted proceedings and completed construction for certain works of improvement in special assessment districts pursuant to the terms and provisions of the "Municipal Improvement Act of 1913", being Division 12 of the Streets and Highways Code of the State of California (the "Act"); said special assessment district known and designated as Assessment District No. 28, and

WHEREAS, after completion of the improvements and payment of all the claims from the Improvement Fund for said Assessment Districts, there remains a surplus in the Improvement Funds, and this legislative body is desirous at this time to make the disposition of said surplus as so provided by Section 10427 of the Act,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the work of improvements, as set forth and described in the Resolution of Intentions for these proceedings, have been completed to the satisfaction of this legislative body, and all payments have either been made or set aside for all existing or potential claims, costs and expenses.

SECTION 3. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be applied as a credit or payment to property owners within the boundaries of the Assessment Districts on a pro-rata basis generally determined as follows:

A. To those who paid in cash, the proportionate share of the surplus

shall be returned in cash to the person or persons owning the property for which the assessment or installment has been paid;

B. Where any part of an individual assessment remains unpaid and is payable in installments, the amount apportioned to each parcel shall be used to reduce the original assessment filed at the County of Stanislaus.

SECTION 4. That a portion of the surplus monies, at this time remaining in the Improvement Fund, shall be applied towards a bond call in the Assessment Districts.

SECTION 5. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be transferred to a special Department of Public Works Maintenance Account to be used for maintenance projects within the Assessment Districts.

SECTION 6. Prior to any distribution as set forth above, the lesser amount of $1,000 or five percent (5%) of the amounts expended from the Improvement Funds shall be transferred to the General Fund of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-282

A RESOLUTION DECLARING A SURPLUS IN IMPROVEMENT DISTRICT NO. 29.

WHEREAS, the City Council of the City of Modesto has conducted proceedings and completed construction for certain works of improvement in special assessment districts pursuant to the terms and provisions of the "Municipal Improvement Act of 1913", being Division 12 of the Streets and Highways Code of the State of California (the "Act"); said special assessment district known and designated as Assessment District No. 29, and

WHEREAS, after completion of the improvements and payment of all the claims from the Improvement Fund for said Assessment Districts, there remains a surplus in the Improvement Funds, and this legislative body is desirous at this time to make the disposition of said surplus as so provided by Section 10427 of the Act,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. That the work of improvements, as set forth and described in the Resolution of Intentions for these proceedings, have been completed to the satisfaction of this legislative body, and all payments have either been made or set aside for all existing or potential claims, costs and expenses.

SECTION 3. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be applied as a credit or payment to property owners within the boundaries of the Assessment Districts on a pro-rata basis generally determined as follows:

A. To those who paid in cash, the proportionate share of the surplus

shall be returned in cash to the person or persons owning the property for which the assessment or installment has been paid;

B. Where any part of an individual assessment remains unpaid and is payable in installments, the amount apportioned to each parcel shall be used to reduce the original assessment filed at the County of Stanislaus.

SECTION 4. That a portion of the surplus monies, at this time remaining in the Improvement Fund, shall be applied towards a bond call in the Assessment Districts.

SECTION 5. That a portion of the surplus monies, at this time remaining in the Improvement Funds, shall be transferred to a special Department of Public Works Maintenance Account to be used for maintenance projects within the Assessment Districts.

SECTION 6. Prior to any distribution as set forth above, the lesser amount of $1,000 or five percent (5%) of the amounts expended from the Improvement Funds shall be transferred to the General Fund of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-283

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WALGREENS AT 1620 STANDIFORD AVENUE TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Walgreens at 1620 Standiford Avenue to sell monthly bus passes be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-284

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WALGREENS AT 840 OAKDALE ROAD TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Walgreens at 840 Oakdale Road to sell monthly bus passes be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-285

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE NEW OWNER OF PAK MAIL AT 3801 YOSEMITE BOULEVARD, SUITE E, TO SELL MONTHLY BUS PASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the new owner of PAK Mail at 3801 Yosemite Boulevard, Suite E, to sell monthly bus passes be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-286

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE $2,500 FOR FINANCIAL ASSISTANCE TO THE STANISLAUS COUNTY ORCHESTERA FROM CSU STANISLAUS

WHEREAS, the Stanislaus Symphony Orchestra is in the process of raising funds for its upcoming performance tour to Kurume, Japan and have requested a contribution from the City; and

WHEREAS, the Stanislaus Symphony Orchestra will be representing the City of Modesto during its performance tour.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expense:	
#010-800-8000-8003	$(2,500)
#010-360-3622-1004	$ 2,500

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-287

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT APPLICATIONS AND GRANT-RELATED DOCUMENTS FOR ALL SOLID WASTE-RELATED GRANTS AVAILABLE THROUGH THE STATE OF CALIFORNIA.

WHEREAS, the State of California collects fees which provide funds to cities and counties for establishing and maintaining solid waste programs throughout the state, and

WHEREAS, the California Integrated Waste Management Board has the responsibility for the administration of the solid waste programs within the state and setting up necessary procedures governing application by cities and counties under these programs, and

WHEREAS, to simplify the application process, the California Integrated Waste Management Board allows jurisdictions to adopt a single resolution authorizing a designated official to execute and submit applications and related documents for such funding,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit applications and grant-related documents for all solid waste-related grants available through the State of California.

RESCINDED
2-12-2002
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2002-58

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-288

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $50,000.00 TO FULLY FUND BOILER REPLACEMENT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 621 480 H374; $50,000

TO: 621 480 J303; $50,000

After an evaluation of an automated BOD system, it was determined not to be cost effective. Therefore, this project has been postponed. A better use of the funds would be replacing the existing natural gas fueled boiler at the Water Quality Control Plant with a raw digester gas fueled boiler. this will save $7,000 per month and have a 7-month pay-back.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-289

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BALL JANIK LLP FOR PROVISION OF FEDERAL LEGISLATIVE ADVOCACY FOR THE CITY OF MODESTO FOR FISCAL YEAR 1998-99

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ball Janik LLP for provision of Federal Legislative Advocacy for the City of Modesto for Fiscal Year 1998-99 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-290

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED EXPRESS/SKYWEST AIRLINES INC. TO PROVIDE AIR SERVICE TO MODESTO CITY-COUNTY AIRPORT AS THE UNITED EXPRESS CARRIER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and United Express/Skywest Airlines Inc. to provide air service to Modesto City-County Airport as the United Express carrier be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of May, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-291

A RESOLUTION APPOINTING JOSEPH GARDELLA TO THE BOARD OF ZONING ADJUSTMENT

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

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

SECTION 1. Joseph Gardella is hereby appointed to the Board of Zoning Adjustment, with a term expiration of January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly 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 26th day of May, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-292

A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE COFFEE/CLARATINA SPECIFIC PLAN AND GENERAL PLAN AMENDMENTS AND THE PREZONE OF THE SPECIFIC PLAN AREA TO A SPECIFIC PLAN-OVERLAY ZONE.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (State Clearing House #92052017) for the Modesto Urban Area General Plan, and

WHEREAS, on August 15, 1995, the City Council by Resolution No. 95-409, adopted the City of Modesto Urban Area General Plan, which contains Community Development policies including the Coffee/Claratina Comprehensive Planning District and which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, in September, 1997, the applicant, California Equity Management Group, initiated a proposal for development of the Coffee/Claratina Comprehensive Planning District consisting of 170 acres, and

WHEREAS, this project requires a Modesto Urban Area General Plan Amendment to exempt the project from the policy requiring preparation of a Focused EIR, adoption of a Specific Plan for the development of the Coffee/Claratina Comprehensive Planning District, a Prezone of the Specific Plan Area to a Specific Plan-Overlay Zone, and Annexation of the project area to the City of Modesto, and

WHEREAS, the Public Review Documents dated February 1998, which include the Coffee/Claratina Draft Specific Plan, have been revised to include the Final California Environmental Quality Act ("CEQA") review document in the form of a "Results of Public Review" Mitigated Negative Declaration (final document plus comments and responses to comments (SCH #98022079), and

WHEREAS, the Initial Study, which included a Traffic Impact Analysis by K.D. Anderson Transportation Engineers, analyzed potentially new significant effects for Traffic and Circulation that were not analyzed in the Master EIR, and

WHEREAS, the Planning Commission is required to make a recommendation on this proposed project to the City Council, and the Planning Commission may review and consider the Mitigated Negative Declaration in draft or final form, pursuant to CEQA Guidelines Section 15025(c), and

WHEREAS, on May 4, 1998, the Modesto Planning Commission, after a duly noticed public hearing, adopted Resolution No. 98-36 recommending to the City Council approval of a Mitigated Negative Declaration for the Coffee/Claratina Specific Plan and General Plan Amendments and Prezone, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on June 2, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study and the Mitigated Negative Declaration, and hereby approves the Mitigated Negative Declaration and makes the following findings:

1. That the subsequent project is identified in the Master EIR.

2. That the cumulative impacts, growth inducing impacts and irreversible significant effects analysis in the Master EIR are adequate for the subsequent project.

3. That the project incorporates all applicable mitigation measures or project alternatives from the Master EIR.

4. That in certifying the Master EIR, the City of Modesto adopted a statement of overriding considerations for each significant and unavoidable effect identified in the Master EIR as traffic circulation needs, degradation of air quality, generation of noise, loss of productive agricultural land, and increased demand for water supplies, increased demand for storm drainage, flooding and water quality in the baseline developed area.

5. That an Initial Study prepared pursuant to CEQA State Statute 21157.1 and CEQA Guidelines Section 15177 identified additional significant effects of the subsequent project that were not analyzed in the Master Environmental Impact Report. The additional significant effects are Traffic and Noise.

6. That feasible mitigation measures or alternatives will be incorporated to revise the proposed subsequent project before the Mitigated Negative Declaration is released for public review in order to avoid or mitigate the effects to a level of insignificance of the identified additional significant environmental effects that were not analyzed in the Master EIR.

7. That a mitigation monitoring program will be adopted to incorporate the mitigation measures into the Coffee-Claratina Specific Plan.

8. That as revised by mitigation measures incorporated into the Initial Study (Section E of Attachment 3 to the Staff Report), the project will not have new or additional significant effects on the environment.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

E.A. RESOLUTION

2 Clerk
1 Attorney
1 CDD - Construction Administration
1 Initiating Department - Attention: Person's Name in Charge of the Project – Steve Rich

2 Clerk
1 Attorney
1 CDD - Construction Administration
1 Initiating Department - Attention: Person's Name in Charge of the Project

MODESTO CITY COUNCIL
RESOLUTION NO. 98-293

A RESOLUTION APPROVING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TO EXEMPT THE COFFEE/CLARATINA SPECIFIC PLAN FROM THE REQUIREMENT TO PREPARE A FOCUSED ENVIRONMENTAL IMPACT REPORT.

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report ("EIR") for the Urban Area General Plan (SCH #92052017), and

WHEREAS, a new General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, said General Plan has been amended by Modesto City Council Resolutions No. 95-584, No. 96-20, 96-338, 96-639, 97-3, 97-137, and 97-158, copies of which are on file in the office of the City Clerk, and

WHEREAS, the Community Development Policies of the General Plan, specifically, the Principal Comprehensive Planning District policies text on page III-12, and the Comprehensive Planning District policy on page III-21, state that a Focused Environmental Impact Report, as defined by Section 21158 of the Public Resources Code, shall be required for each Comprehensive Plan, and

WHEREAS, City staff determined that with the addition

of a project specific traffic impact analysis, the development of the 170-acre Coffee/Claratina Comprehensive Planning District could be adequately reviewed for purposes of CEQA by the preparation of an Initial Study which leads to a Mitigated Negative Declaration under the City's General Plan Master EIR, and

WHEREAS, a Draft Initial Study/Mitigated Negative Declaration (SCH#98022079) was prepared and circulated for a 30-day public review period from February 23 to March 25, 1998, and a "Results of Public Review" document was prepared which provided response to comments and all necessary project-specific mitigation in order to mitigate to a level of insignificance the identified additional significant environmental effects that were not analyzed in the Master EIR, and

WHEREAS, pursuant to provisions of Government Code Section 65402 of the State of California, the Modesto Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan regarding the physical development of land, and

WHEREAS, on May 4, 1998, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to this proposed amendment to the Modesto Urban General Plan to exempt the Coffee/Claratina Specific Plan from the requirement to prepare Focused EIR, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 98-36, recommending to the City Council an amendment to the General Plan to exempt the Coffee/Claratina Specific Plan from the requirement to prepare a Focused EIR, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on June 2, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the General Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the proposed amendment to the Modesto Urban General Plan to exempt the Coffee/Claratina Specific Plan from the requirement to prepare a Focused EIR is in the public interest and is required for the public health, safety and welfare of the citizens of Modesto.

BE IT FURTHER RESOLVED that the Council of the City of Modesto finds and determines that the Mitigated Negative Declaration is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

BE IT FURTHER RESOLVED that the proposed amendment to the General Plan to revise the text of the Principal Comprehensive Planning District Policies and Coffee/Claratina

Comprehensive Planning District Policies are hereby amended to read as shown on the attached Exhibit "A".

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of this resolution and said Amendments to the General Plan to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED that this resolution shall become effective the effective date of Ordinance No. 3091 - C.S., prezoning the Coffee/Claratina Specific Plan, introduced by the Council on June 2, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT " A"

GENERAL PLAN AMENDMENT
EXEMPT COFFEE/CLARATINA SPECIFIC PLAN
FROM PREPARATION OF A FOCUSED EIR

REPLACEMENT PAGES

d. Each Comprehensive Plan should include a long-range financing strategy which provides reasonable estimates of the costs of on-and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms.

e. Comprehensive Plans, as defined in Chapter VIII, shall be used for the implementation of the Comprehensive Planning Districts presented in Figure III-1. Specific Plans, as defined in Section 65450 et. seq. of the California Government Code, are particularly suited for this purpose. Other options are available, provided that they present sufficient guidance for future development.

f. More than one Comprehensive Plan may be processed within a given Comprehensive Planning District (CPD), as long as the remaining area within the CPD can still comply with the General Plan policies presented in this Chapter. Conversely, a Comprehensive Plan can be used to implement more than one Comprehensive Planning District.

g. A "Focused Environmental Impact Report" as defined by Section 21158 of the Public Resources Code shall be required for each Comprehensive Plan to implement the policies of each Comprehensive Planning District. Each Focused EIR shall concentrate on those resources and issues presented in the Master Environmental Impact Report prepared and certified for the General Plan.

Note: The North Beyer Specific Plan, because a previous EIR was prepared (SCH #91102032), is exempt from this requirement.

The Coffee/Claratina Specific Plan is exempt from this requirement. CEQA review shall be satisfied by a Mitigated Negative Declaration prepared pursuant to Section 21157.1 CEQA.

h. Upon the review of each Comprehensive Plan, the Master EIR may streamline further CEQA review of that Comprehensive Plan, if the City as Lead Agency can make the following finding:

> "No substantial changes have occurred with respect to the circumstances under which the master environmental impact report was certified or that no new information, which was not known and could not have been known at the time that the master environmental impact report was certified as complete, has become available." (Section 21157.6(a) of Public Resources Code.)

i. All policy requirements presented in the individual Comprehensive Planning District narratives (Exhibits III-2 through III-26), shall be applied wherever indicated in each individual District's narrative.

(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,000 dwelling units.

(2) Development in this Comprehensive Planning District should be considered an extension of the existing development immediately to the south.

c. Housing Policy Implementation:

The Comprehensive Plan which implements this Comprehensive Planning District shall address the relevant Housing Policies presented in Chapter IV for the residentially-designated portion of this Comprehensive Planning District.

5. Provision of Public Facilities and Services:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the public facilities and services policies presented in Chapter V. In addition, the Comprehensive Plan shall also address the following policies which apply to this particular Comprehensive Planning District:

a. This Comprehensive Planning District will be served by a subtrunk in Coffee Road that ties into the existing sanitary sewer system.

6. ~~Focused EIR~~: Mitigated Negative Declaration:

General Plan Policy III(D)(1)(g) specifically exempts the Coffee/Claratina Specific Plan from the requirement to prepare a Focused EIR. CEQA review for this Comprehensive Planning District shall be satisfied by a Mitigated Negative Declaration prepared pursuant to Section 21157.1 of CEQA.

The ~~Focused Environmental Impact Report~~ Mitigated Negative Declaration for this Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:

a. A total of 1,000 dwelling units was assumed for this Comprehensive Planning District.

b. A total of ~~600~~ employees was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

DISTRIBUTION LIST

RES. AMENDING URBAN AREA GENERAL PLAN

2- Clerk
2- Attorney
1- CDD-Strategic Planning, Brian Smith
1- County Board of Supervisors

---

6 - Please Distribute as noted above.

Corrected 6/16/98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-294

Print

A RESOLUTION ADOPTING THE COFFEE/CLARATINA SPECIFIC PLAN.

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

WHEREAS, on August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan which contains Community Development policies including the Coffee/Claratina Comprehensive Planning District which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, in September, 1997, the California Equity Management Group initiated a proposal for development of the Coffee/Claratina Comprehensive Planning District consisting of 170 acres, the principal components being Single-Family Residential and Regional Commercial uses, an elementary school, and neighborhood park, and

WHEREAS, Public Review Documents dated February, 1998, which include a Draft Specific Plan, also include the Final CEQA review document in the form of a "Results of Public Review" Mitigated Negative Declaration (final document plus comments and

responses to comments (SCH# 98022079), were distributed to the Planning Commission on April 24, 1998, prior to the public hearing, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 4, 1998, to receive evidence both oral and documentary to consider making a recommendation to the City Council regarding the adoption of the Draft Specific Plan, and

WHEREAS, staff prepared and presented a revised Draft Specific Plan dated May 4, 1998, which contained recommended revisions to the public review document to address additional concerns from agencies, property owners, and the applicant, and

WHEREAS, in accordance with Section 15025(c) of the CEQA Guidelines, the Planning Commission reviewed and considered the Mitigated Negative Declaration for the Coffee/Claratina specific Plan dated April, 1998, and

WHEREAS, the Planning Commission reviewed and considered the May 4, 1998, Draft Specific Plan document along with the staff report, and

WHEREAS, by Resolution No. 98-37 adopted on May 4, 1998, the Planning Commission recommended to the City Council the adoption of the Coffee/Claratina Specific Plan dated May 4, 1998, along with the incorporation of recommended revisions, and

WHEREAS, City staff created a document for the City Council to review and consider which included the Planning Commissions recommended revisions, dated June 2, 1998, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on June 2, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held and evidence both oral and documentary was received and considered,

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

1. That the Mitigated Negative Declaration (SCH# 98022079) is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

2. That the revised Draft Specific Plan, consisting of the June 2, Specific Plan (Exhibit "A") along with proposed revisions/additions, Exhibit "B", are consistent with the City of Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the Coffee Claratina Specific Plan dated June 2, 1998, (Exhibit "A") along with the incorporation of the recommended revisions, (Exhibit "B"), copies of which are attached hereto, however, all references in the text of the Specific Plan to specific parcel numbers for the school and park sites shall be deleted.

BE IT FURTHER RESOLVED that this resolution shall become effective thirty (30) days from the date it was passed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to certify copies of this Resolution and said Specific Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Planning Commission

Recommended Specific Plan

June 2, 1998

City of Modesto

COFFEE/CLARATINA
Draft Specific Plan

JUNE 2, 1998

This document includes revisions recommended by
The Modesto Planning Commission

JUNE 2, 1998

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Chapter 1. Specific Plan Introduction

A. PURPOSE OF SPECIFIC PLAN

The Coffee/Claratina Specific Plan is a tool to guide the orderly development of land within the plan area. The purpose of the Coffee/Claratina Specific Plan is to implement the City of Modesto's General Plan as authorized by Section 65450 et. seq. of the State Government Code. The Specific Plan provides a bridge between the General Plan's broad base goals and policies and the City's precise zoning and subdivision regulations. The Coffee/Claratina site is located within a "Comprehensive Planning District (CPD)", therefore in accordance with the City of Modesto's General Plan adopted policies the adoption of a Specific Plan is required prior to any development. This Specific Plan ensures that the city-wide effects of development projects, especially the need for providing adequate infrastructure, are addressed.

The Specific Plan was created using the City's guidelines for preparing comprehensive plans and following procedures for Specific Plans contained in the State Government Code Section 65451 et seq.

The Specific Plan area is within the Coffee/Claratina CPD (see Figure 2) and subject to the CPD policies and provisions of the City's General Plan (Exhibit III-15) which include:

1. 130 acres designated "residential' for a maximum of 1,000 dwelling units.

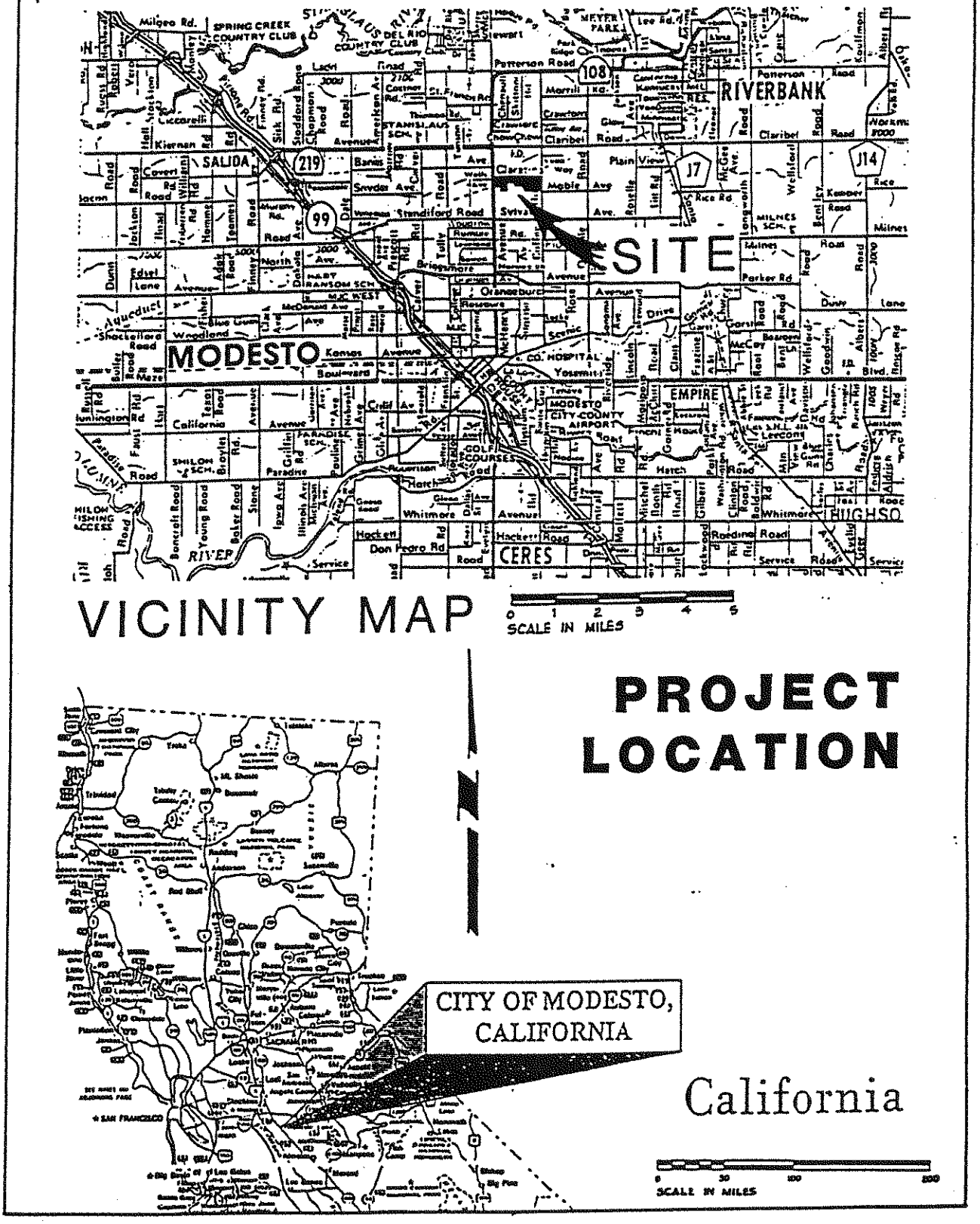
2. 40 acres designated "regional commercial".

3. Implementing adopted City General Plan policies.

The Coffee/Claratina Specific Plan will guide development of land within the Plan area. The Specific Plan will implement Modesto's long-range objective of orderly growth by providing housing, commercial and professional uses for City residents.

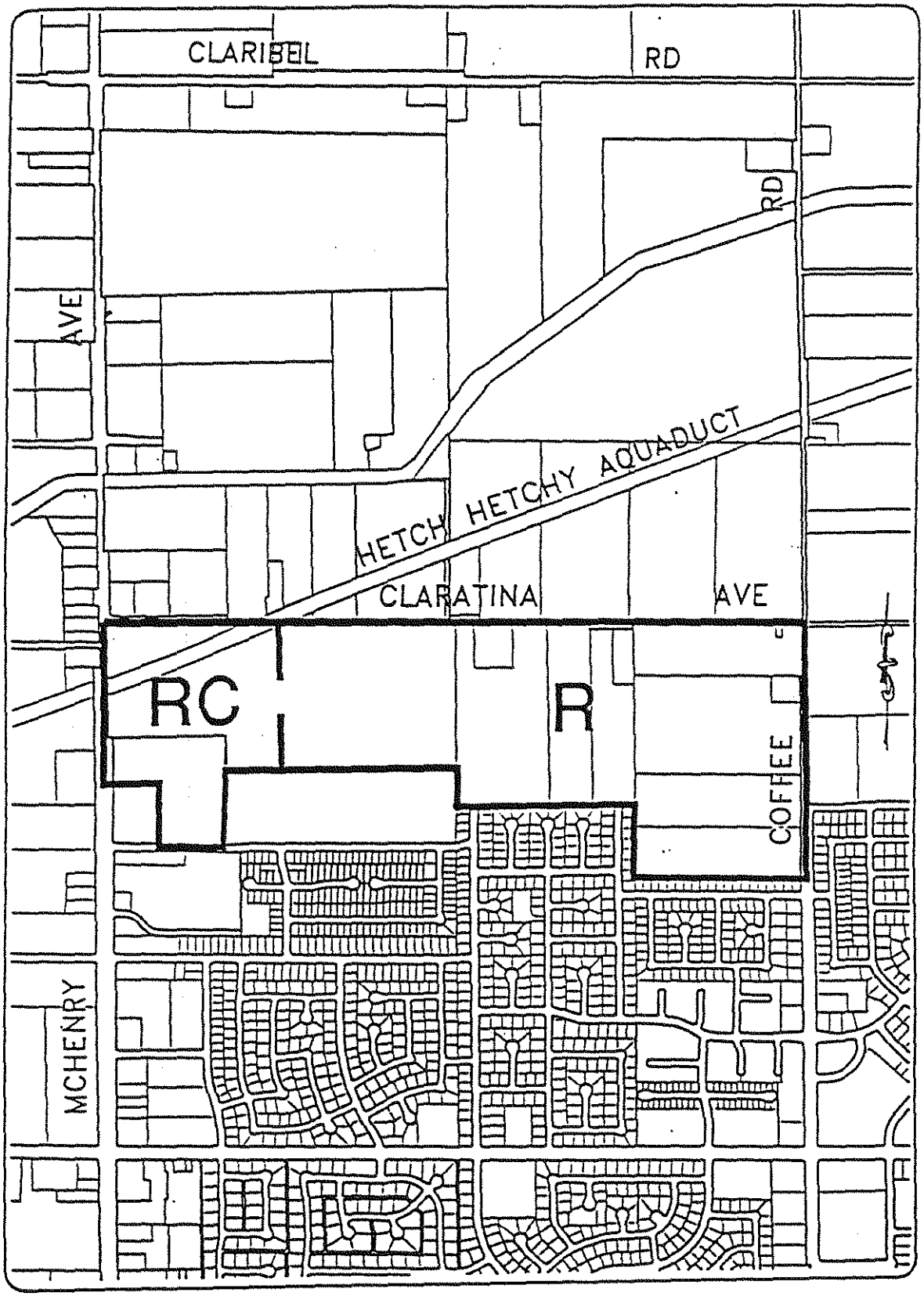
B. PLAN AREA DESCRIPTION

The Coffee/Claratina CPD is located on the south side of Claratina Avenue (See Figure 1). The site is bound by Coffee Road on the east and McHenry Avenue (State Hwy. 108) on the west, and the Modesto City limits to the south. The project site contains approximately 170 acres.



PROJECT LOCATION FIGURE 1

COFFEE/CLARATINA C.P.D.



COFFEE/CLARATINA C.P.D.
(As shown in the City of Modesto Urban Area General Plan)

FIGURE 2

The existing land use is primarily open, fallow land, formerly in agricultural crops, with the following exceptions:

Southwest Corner: Modesto Mobilehome Park
Southeast Corner: Silverwood Mobilehome Park
East Side, Center: 20 Ac. Almond Orchard
Northeast Corner: P.G. & E. Coffee/Claratina Regulation Station

Five rural residences are existing within the boundaries of the subject area.

C. SURROUNDING LAND USE

The surrounding land uses existing as of January 1, 1998 (see Figure 3) are as follows:

(Starting at the northeast corner of McHenry Avenue and Claratina Avenue, going easterly and clockwise around the subject area.)

To the North: United Furniture Warehouse, Parkwood Seventh Day Adventist Church, homesite, Liberty Landmark Missionary Church, grape vineyard, pasture, homesite, grape vineyard, peach orchards and the Funworks Amusement Park.

To the East: Claratina Golf Driving Range, Christmas Tree Farm, fruit stand, open ground and single-family residential.

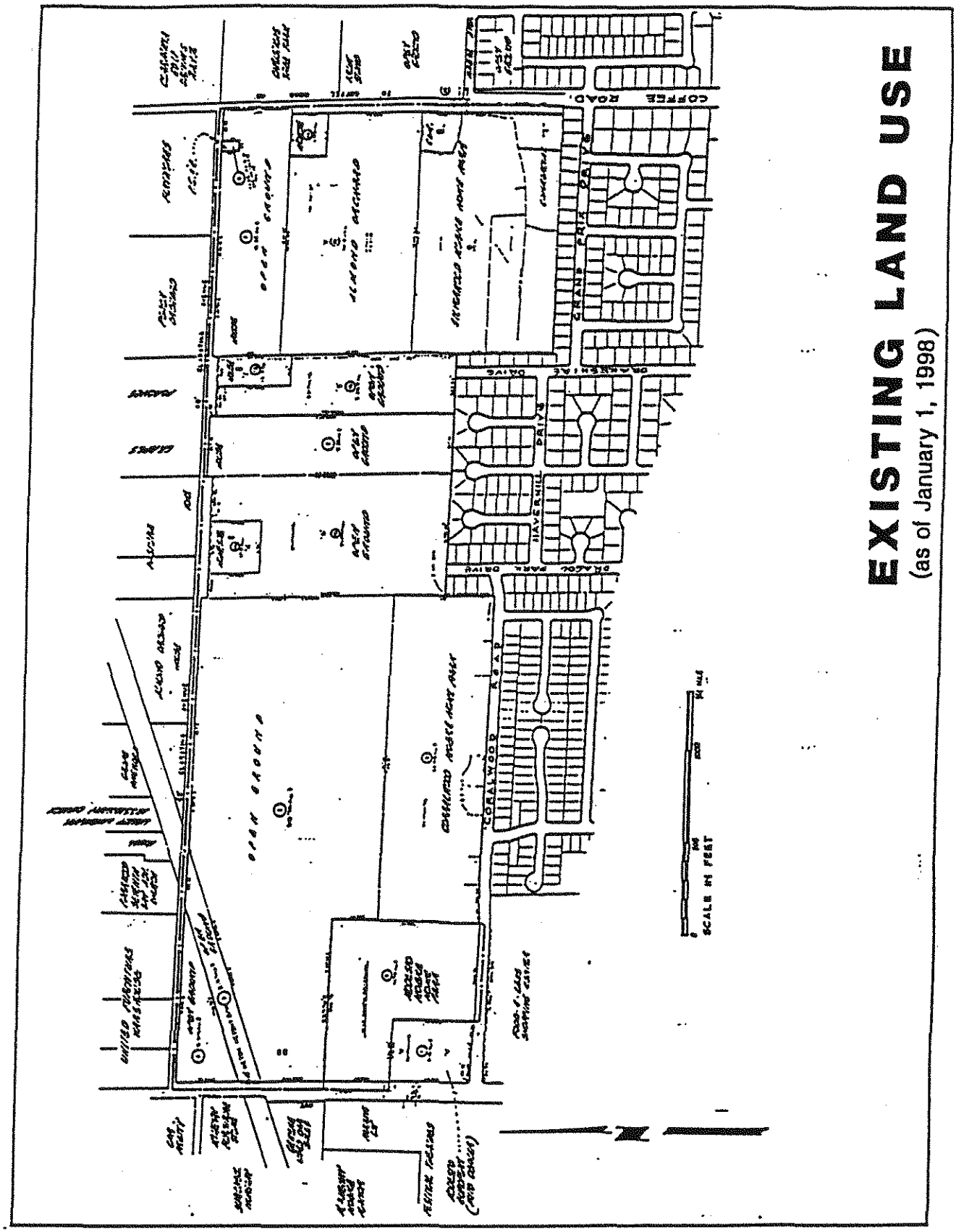
To the South: Single-family residential and Food-4-Less Shopping Center.

To the West: Modesto European Auto Dealership, Festival Theaters Auxiliary Parking, McHenry Mobile Manor, Geweke Used Car Sales, McHenry Furniture Store, Car Pretty Auto Detailing.

D. PLANNING PROCESS

Adoption of the Specific Plan establishes and defines the planning criteria and necessary mitigation measures that will be used to guide the subsequent stages of the established planning process, when initiated by private developers and public agencies, as follows:

- Tentative Subdivision Map Application
- Land Use and Site Design Review, Where Applicable



EXISTING LAND USE DIAGRAM

FIGURE 3

A discussion of each of these subsequent components of the planning process following Specific Plan adoption is found in the Implementation Section of the Plan (Chapter 4).

E. STATUTORY AUTHORITY

A Specific Plan is a policy document used to implement the "Comprehensive Planning District" concept presented in Section III-D of the City's General Plan. The General Plan acknowledges specific plans (as defined by Section 65450 of the Government Code) as an appropriate form of comprehensive plan to implement CPD policies. Specific Plans are authorized under Section 65450 of the Government Code for the systematic implementation of all or part of a general plan.

The Coffee/Claratina Specific Plan is intended to facilitate development within the Plan area by: 1) defining the types and distribution of land uses and the location and type of infrastructure, 2) setting development standards, and 3) documenting financing of public improvements. The Specific Plan has been prepared in accordance with the California Government Code. Section 65451 mandates that a specific plan include, at minimum, text and diagrams to describe the following:

1. The distribution, location and extent of land uses, including open space, within the plan area.

2. The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste, energy, and other essential facilities proposed to be located within the plan area and needed to support land uses described in the specific plan.

3. Standards and criteria by which development will proceed and standards for the conservation, development, and utilization of natural resources, where applicable.

4. A program of implementation measures, including regulations, programs, public works projects, and financing measures necessary to implement the specific plan.

5. A statement of the relationship between the specific plan and the City's general plan.

F. RELATIONSHIP OF THE SPECIFIC PLAN TO THE GENERAL PLAN

The City adopted its current General Plan and certified the Master EIR in August 1995. The General Plan identified 25 Comprehensive Planning Districts, including Coffee/Claratina, within the City's Planned Urbanizing Area. Collectively, the CPDs cover 17,600 acres and represent the City's major urban growth area. The City's General Plan contains a comprehensive range of goals and policies to manage future growth in these districts. In addition to overall community development policies affecting all CPDs (Chapter III), the City's General Plan includes policies for developing its community services and facilities (Chapter V), and managing the City's environmental resources and open space (Chapter VII).

These proposed uses in this Specific Plan are consistent with the Coffee/Claratina Comprehensive Planning District text and map, Exhibit III-3.

G. SPECIFIC PLAN ADOPTION

Adoption of the Coffee/Claratina Specific Plan establishes the standards, criteria, and mitigation measures for tentative and final subdivision map approval, rezoning, and development of the Plan area.

Should any regulation, condition, program, or portion of this Specific Plan be ruled invalid or unconstitutional by a California or federal court of competent jurisdiction, such portion will be deemed separate, distinct, and independent provisions. The invalidity of these provisions will not affect the validity of the remaining portions of the Specific Plan or Mitigated Negative Declaration.

Chapter 2. Development Policies and Standards

A. LAND USE (SEE FIGURE 4)

1. General Plan Policies

The Coffee/Claratina area will be developed in compliance with applicable City General Plan community development, CPD, and related policies. Since the Plan Area is the remaining undeveloped portion of an existing developed neighborhood, land use policies relative to the development of existing neighborhoods apply. City General Plan policies regarding land uses implemented through the Specific Plan are: Overall land use policies based on the City's zoning code, Title X of the Modesto Municipal Code (Section III-C(1)), "Neighborhood Plan Prototype" Policies (Section III-C(2)), and the Coffee/Claratina Specific Plan. As this project is the final development of the small remaining area of the Northeast McHenry Neighborhood, and the land uses are consistent with the General Plan, this proposal is consistent with the "Neighborhood Plan Prototype" Policies. City General Plan policies for providing community services and facilities, maintaining public safety, and managing environmental and open space resources are included in subsequent chapters of this Specific Plan.

2. The Specific Plan Overlay Zone

The purpose of the SP-O Zone is to permit development within the Coffee/Claratina Specific Plan area under Title X of the Modesto Municipal Code and any exceptions as defined in the Specific Plan.

The City Zoning map, as allowed by Section 10-2.305 of the Modesto Municipal Code, shall indicate SP-O zoning for the area of Coffee/Claratina Specific Plan.

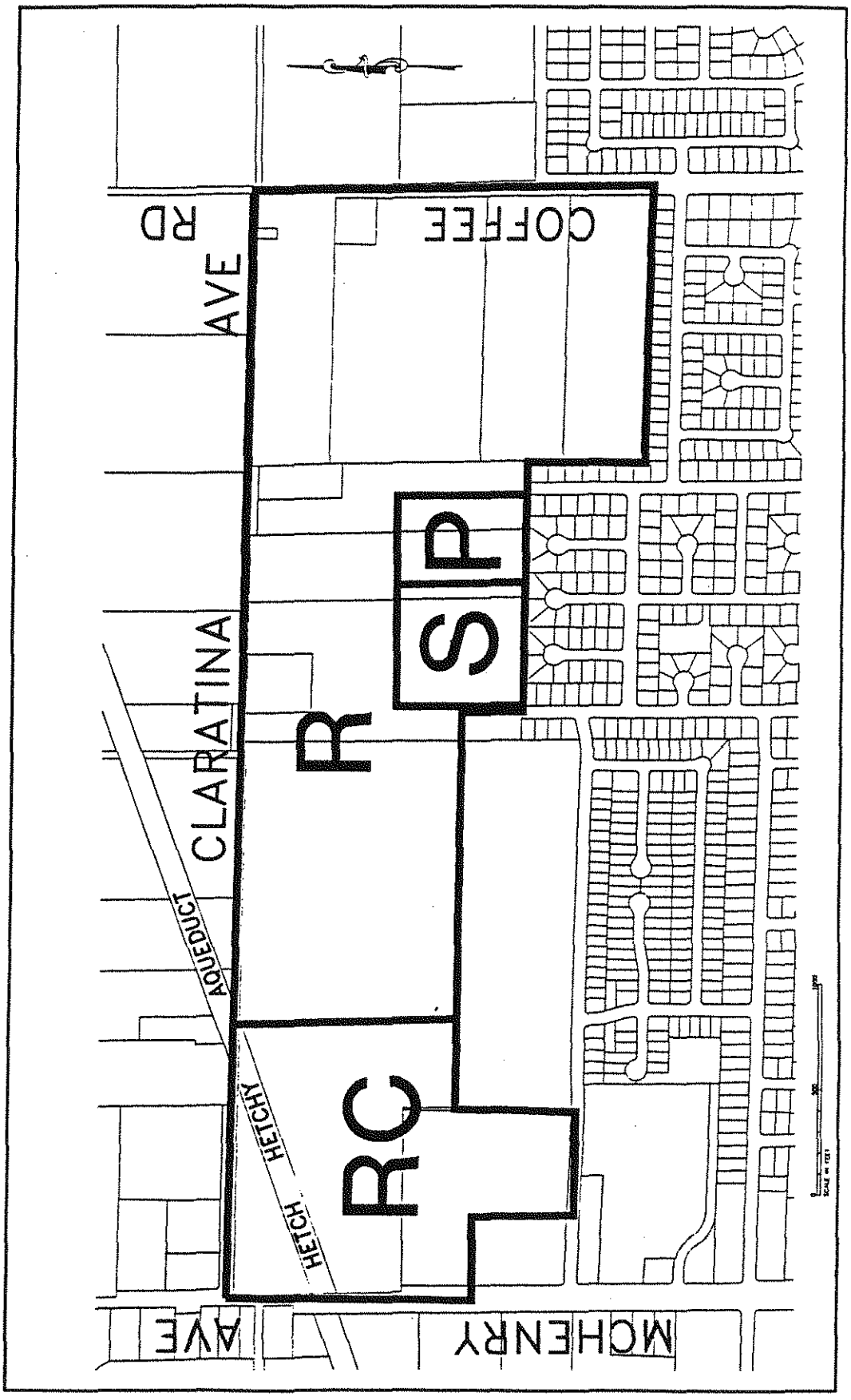
Adoption of the Specific Plan shall include Prezoning the area to Specific Plan Overlay (SP-O) Zone, which is prerequisite to annexation.

3. Subsequent Exceptions to Development Regulations

The Planning Commission may grant exceptions to any of the development regulations listed in this chapter, by resolution, based on the following considerations:

a. Exception Guidelines. Exceptions may be granted to achieve the following purposes:

1. To encourage creative and efficient land uses.
2. To encourage mixed or multiple-use projects.



LAND USE DIAGRAM FIGURE 4

3. To permit variations from the density, height, and other standards.
4. Small lot residential development may be granted as long as the maximum number of residential units set forth herein is not exceeded.

4. Land Use Designations

Following are the Land Use Designations proposed by this Specific Plan including a brief description of the permitted uses. The distribution of these uses is shown on Figure 4 Land Use Diagram.

a. Residential (R). The R designation accommodates single family residential uses. The maximum permitted number of units for the entire Specific Plan area shall be 1,000 as set forth in the Modesto Urban Area General Plan. Areas designated R utilize the City's R-1 zone as its development regulations with the following exceptions: Lot sizes smaller than 5,000 square feet and senior housing facilities, as an example, are permitted as long as the 1000 dwelling unit maximum is not exceeded. Churches, parks and school sites can develop residentially and are consistent with this category.

b. School (S). The Sylvan Union School District has stated that the need exists in this area for a 10 acre elementary school site. A portion of the residentially designated area, centrally located within the neighborhood could be purchased by the school district for these purposes. Should the School District determine the site is not needed, the allowed uses for the area would be development as single-family residential as described under the above-referenced Residential designation. The procedure for verification of School District need for the site is contained in Chapter 4, Development Processing policies for tentative maps in Sub-area B_2 (desired location shown, Figure 4).

c. Park (P). A neighborhood park sized at approximately seven acres shall be developed in a centrally located area within the plan area. Development standards shall meet the requirements set forth in V-I (3.c.) of the City of Modesto Urban Area General Plan. Should the City determine the park site is not needed, the allowed uses for the area would be developed as single-family residential as described in the above-referenced Residential (R) designation. The procedure for verification of the City's need for the site is contained in Chapter 4, Development Processing Policies for tentative maps in Sub-area B_2 (desired location shown, Figure 4).

d. Regional Commercial (RC). The regional commercial designation applies to 40 acres, including the area within the Hetch-Hetchy R.O.W., located along McHenry Avenue (State Hwy. 108) to join the established commercial uses on McHenry Avenue. Land use and development standards shall be as set forth in the City's C-3 zoning designation contained in Article 12 of the Modesto Zoning Ordinance. Performance standards deemed necessary by the commission shall be required at that time.

5. 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 Coffee/Claratina Specific Plan, as the Plan's land use regulations and development standards.

6. Improvement Standard Regulations

The City of Modesto Department of Public Works Standard Specifications are hereby adopted and incorporated by reference into the Coffee/Claratina 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.

7. Designation of Sub-Areas

The Coffee/Claratina Specific Plan area has been divided into four sub-areas, as shown in Figure 5. These sub-areas are based on the probable sequence (phasing) of annexation and development of properties. It is the intent of this Specific Plan that any of the four (4) designated sub-areas may annex in any order.

Following are the sub-areas:

Sub-area "A," approximately 12.0 acres, is the existing 'Modesto Mobilehome Park,' consisting of 150 spaces. Sub-area "B1," approximately 59.0 acres, is primarily open ground and two rural home sites. Sub-area "B2," approximately 76.3 acres, is comprised of a 20-acre almond orchard, open ground and four rural home sites. Sub-area "C" is comprised of 22.7-acre 'Silverwood Mobilehome Park,' 98 spaces, and commercial uses. Acreage shown are gross and are to centerline of adjacent roadways.

All Residential designated areas will comply with "Neighborhood Plan Prototype" policies as presented in Section III-C(2) of the City of Modesto Urban Area General Plan, and regional commercial area will comply with standards set forth in Section III-B(7) of the General Plan.

The plan area is proposed to be annexed to the City of Modesto and served by Urban-Level Public Infrastructure. Access to the plan area would be from McHenry Avenue (State Hwy. 108), Pelandale Expressway (currently Claratina Avenue) and Coffee Road. City water, sewer, police and fire services are proposed to be extended to the plan area. Solid waste collection services also would be extended to the site by a private provider. Other services, including energy, parks and schools, also would be provided by public agencies or special districts.

8. Annexation of Sub-Areas

The Coffee/Claratina Specific Plan has been crafted so that these four separate and distinct sub-areas may request annexation individually. It is possible that (i) all of the sub-areas will desire to annex at one time, (ii) some of the sub-areas will desire to annex at one time, or (iii) any one of the sub-areas may desire to annex independently. While it is not assured, it is possible that Sub-area B1 or B2 may ultimately request to be annexed without the additional annexation of Sub-areas A or C. If this occurs, an island could be created.

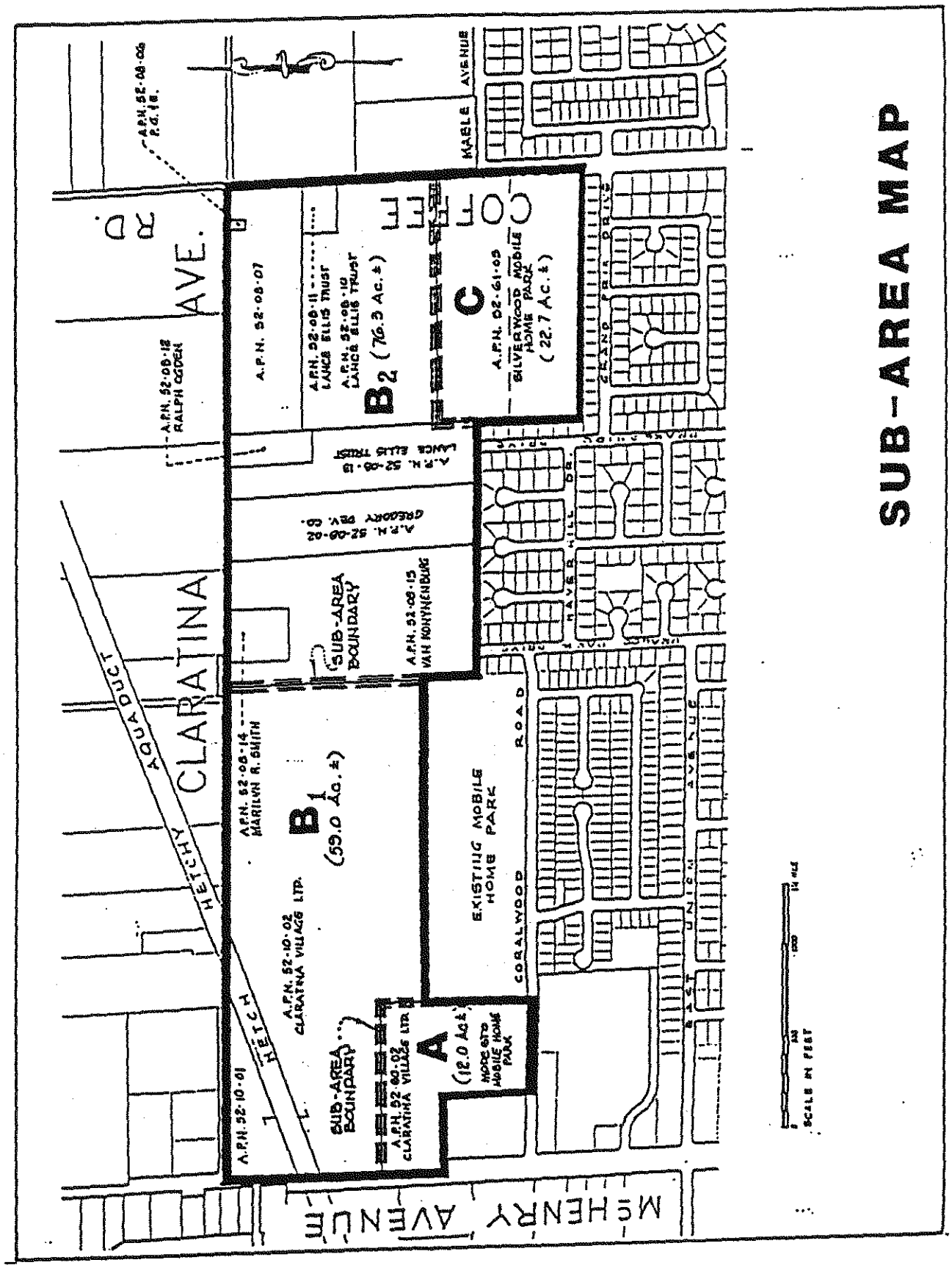


FIGURE 5

Sub Area Map

Chapter 3. Public Facilities

A. OVERVIEW

The Coffee/Claratina Specific Plan area infrastructure system is an extension of the existing neighborhood area's infrastructure. Buildout of the plan area was planned for as part of the existing neighborhood planning areas. This chapter describes development of the transportation and circulation, wastewater collection, water delivery, storm water drainage, utilities (electricity, street lighting, natural gas, telephone, cable television, irrigation, solid waste collection), schools, and parks and recreation necessary to support development in the Plan Area. Improvement of Coffee/Claratina infrastructure will be as described in the General Plan policies in Chapter V, Community Services and Facilities of the Modesto Urban Area General Plan.

B. INFRASTRUCTURE PLAN

The Coffee/Claratina Infrastructure Plan is shown on Figures 6, 7 and 8. The figures serve as a design schematic for the planning area infrastructure and does not represent specific alignments or locations for facilities. Sub-area boundaries as shown on Figure 5 will not affect the ability to provide infrastructure to the area. The figures indicate the preliminary sizing and design for backbone infrastructure in the planning area. Exact phasing and design will be determined as development occurs. Prior to the recording of subdivision maps, improvement plans consistent with the general design in this Specific Plan shall be approved by the City.

1. Sanitary Sewer Service (See Figure 6)

The existing 18" subtrunk sewer main at Coffee Road and Sylvan Meadows Drive will be utilized to serve the North Beyer Park Plan Area. A sewer lift station will be installed in order to obtain the depth required to accommodate the expected construction and build-out of the Plan Area. A "sub-trunk" sewer line has been extended from the pump station north up Coffee Road to the proposed Claratina Expressway, and then east down the Expressway to serve the North Beyer Park project and west to serve the Coffee/Claratina Area. The pump station and "sub-trunk" sewer system in Coffee Road are sized to serve both the North Beyer Park Plan Area and the Coffee/Claratina Plan Area. The "sub-trunk" system and sewer lift station and force main shall be funded by the City with fees collected for that purpose.

A 10" sanitary sewer line exists in McHenry Avenue, terminating at Coralwood Avenue. However, this line does not have adequate capacity to serve the regional commercial area according to the 1995 Wastewater Master Plan. Sewer service to the Regional Commercial Area shall be provided with the extension of the line in Claratina Avenue which shall also be constructed to serve the balance of the Specific Plan Area.

The overall sewer facilities needed to serve the Specific Plan Area consist of approximately:

a.) One lift station on Coffee Road
b.) 700 LF of 30" sewer line
c.) 2100 LF of 12" sewer line
d.) 2100 LF of 15" sewer line
e.) 600 LF of 8" sewer line

2. Storm Drainage (See Figures 8 and 8A)

The City has created a master plan for storm drainage to serve the Coffee/Claratina area along with the area to the north and to the east. The master plan requires a regional basin be constructed to serve this area (see Figure 8A).

A positive storm drainage system comprised of catch basins, pipelines and storm drain basins is proposed to serve this project (see Figure 8). The storm drain basins will be constructed as development occurs. The storm drain collection system and basins will be designed in accordance with the City of Modesto Standards and specifications. Exact locations may vary, depending on sub-area annexation to the City. The storm drain basin in the west half will serve the Regional Commercial Area and the Modesto Mobilehome Park (Sub-Areas A & B1) and be installed with the development of the Regional Commercial Area. In the east half the basin will be fully installed prior to any residential development and serve Sub-Areas B2 and C.

The overall storm drainage facilities needed to serve the Specific Plan Area consist of approximately:

a.) One storm drain basin in area B1 of 10-11 ac/ft capacity
b.) One storm drain basin in area B2 of 6-7 ac/ft capacity
c.) 1000 LF of 18" storm drain line
d.) 1000 LF of 24" storm drain line

3. Water (See Figure 7)

City water service will be provided to the entire plan area through connection and extensions of the existing water 12" main in Claratina Avenue, west of Coffee Road. The existing 12" water main and a 24" transmission water main which lie in Claratina Avenue are part of a larger looped water system designed to serve the entire Plan Area. Water system should be looped to tie in with existing water lines in Dragoo Park Drive and Drakeshire Drive. All private wells located on any individual parcel slated for development shall be abandoned and capped at the time of development, in accordance with the City of Modesto, Stanislaus County and Department of Health Service Standards.

The overall water facilities needed to serve the Specific Plan Area consist of approximately:

a.) 4700 LF of 12" water line
b.) 1400 LF of 10" water line

C. TRANSPORTATION AND CIRCULATION

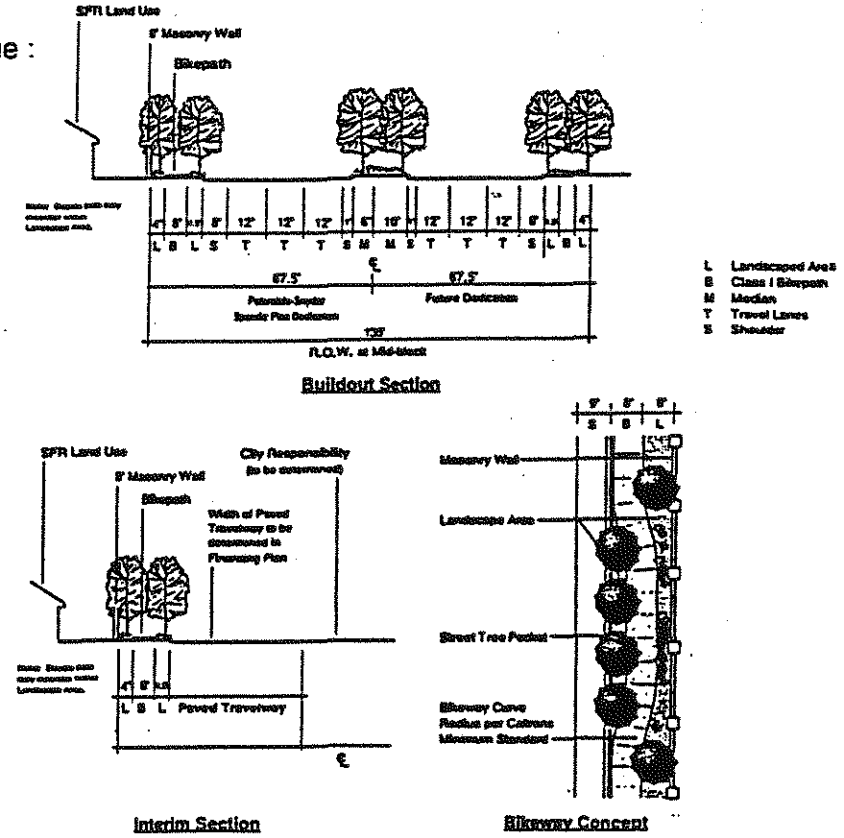
1. Overview

The Coffee/Claratina Plan Area circulation system represents a logical extension of the City's existing arterial and collector street system as specified in the General Plan. The location and classification of streets within this extended street system is shown on Figure 9, Circulation Plan. The plan provides for the dedication of right-of-way (R.O.W.) that is required within Coffee/Claratina Plan Area for the proposed Pelandale Expressway (Claratina Avenue) based on current City standards. Additional dedication for the expressway will be required by the properties north of the Plan Area as future development occurs.

2. Specific Plan Street Classifications

Table 2 (below) Specific Plan Street Classifications, describes the streets which are a part of the Coffee/Claratina Plan Area. The street classifications correspond to Public Works Standards. Street cross-sections shall conform to Public Works Standards and policies with the following exception, the Pelandale Expressway (Claratina Avenue) shall be as shown in the diagram below.

Claratina Avenue :
Schematic Sections



Buildout Section

Interim Section

Bikeway Concept

Table 2 - Specific Plan Street Classifications

Street / Classification	Street R.O.W.
Class B Expressway (Pelandale Expressway) 6 Travel Lanes	135 Feet 159 feet at Intersections
Principle Arterial (McHenry Avenue - State Hwy. 108) 8 Travel Lanes	138 Feet 159 feet at Intersections
Minor Arterial (Coffee Road) 4 Lanes	100 Feet 120 feet at Intersections
Collector Street (Dragoo Park & Drakeshire Drive)	60 Feet
Future E/W Collector 2 Lanes/4 Lanes	60/100 Feet (1)
Minor Residential Street	50 Feet

(1) The future east-west collector will be a four lane major collector in the Regional Commercial area and a two lane minor collector in the Residential area.

a. **Class B Expressway** - Claratina Avenue is designated as an expressway in the General Plan. Public Works analysis has determined Claratina Avenue to be an eastward extension of the Pelandale Expressway to be developed to a 135 foot (6 lanes) Class B Expressway (159 feet at Intersections). The Expressway will ultimately connect from Highway 99 to the Roselle Avenue. The expressway shall include a Class I Bike Path that will link up with the Claratina and Claus Road paths consistent with the City of Modesto's Non-Motorized Transportation Master Plan. As property owners develop within the Plan Area they will be required to dedicate right-of-way for the expressway and construct a sound wall along the property adjacent to the expressway.

b. **Arterial Streets** - The extension of two arterial streets, Coffee Road and McHenry Avenue (State Hwy. 108) are part of the City's circulation system. Coffee Road shall include a Class II Bike Lane consistent with the City of Modesto's Non-Motorized Transportation Master Plan. Coffee Road will be improved as a 100' minor arterial and McHenry Avenue will be a 138' principle arterial per Public Works Standards. Additional right-of-way may be required on the McHenry Avenue frontage and the Coffee Road frontage near their intersection with the new east-west collector to allow for the construction of dual southbound left turn lanes.

c. **Collector Streets** - A new east-west collector street should be developed from McHenry Avenue, through proposed commercial, and residential areas, to Coffee Road. This collector should be situated as far south as possible, near existing

developed areas. However, this collector road shall not be extended through the existing Silverwood Mobilehome Park located within Sub-area C. The new east-west collector will be a four lane major collector in the Regional Commercial area and a two lane minor collector in the Residential area. The intersection of the new east-west collector street with McHenry Avenue will include a minimum of two receiving lanes, two left turn lanes and one right turn lane. At the time of the review of any specific development request, the City of Modesto Transportation Division will evaluate whether another right turn lane is needed.

Dragoo Park Drive and Drakeshire Drive should terminate at the proposed east-west collector. The Dragoo Park intersection to the east-west collector will be offset a minimum of 200 feet from the intersection of the right-in/right-out access road to Claratina Avenue with the east-west collector. The new east-west collector street will be terminated at its intersection with Coffee Road at the mid point between Claratina and Mable Avenues with right-in and right-out only (per Figure 9). The City of Modesto Transportation Division will determine the specific intersection geometrics at the time of a specific development request affecting this intersection. A short collector street should connect the east-west collector from west of Dragoo Park Drive to the proposed Pelandale Expressway (Claratina Avenue) with "right-turn in" and "right-turn out" only. Developers should minimize the amount of lots having direct access to collector street frontage.

d. **Minor Residential Streets** - Minor residential streets provide internal neighborhood circulation while minimizing through traffic. This street network will be determined at the time each individual property owner develops. No connection will be permitted between minor residential streets and the proposed Claratina Expressway through the planned residential areas.

e. **Non-Motorized Transportation Master Plan** - Bike paths shall be installed on expressways, arterials and the Hetch-Hetchy Aqueduct consistent with the City of Modesto's Non-Motorized Transportation Master Plan. Along Claratina Avenue, landscaped areas will be constructed by the City and will include a meandering Class I Bikepath with 8" wide landscaped areas.

D. TRAFFIC CIRCULATION SYSTEM ANALYSIS

The following outline shows general traffic circulation system improvement needs anticipated for the next 30 years based on the Traffic Impact Analysis prepared by KDAnderson Transportation Engineers. These needs cover areas adjacent to and outside the project area. A majority of these improvement would be needed even without this project. A listing of these needs does not indicate the project responsibility which can be found in the Coffee/Claratina Financing Plan.

Improvements Required with Project Development (Sub-area B1)

Facility	Impact (Level of Service)	Required Improvements
McHenry Avenue/New Project Collector Intersection	LOS F	Signal needed and widening to provide receiving and turning lanes as needed.
Coffee/Claratina Intersection	LOS F	Signal needed
Pelandale Expressway (Claratina Avenue)	LOS Degraded on Surrounding Roadways	Dedicate right-of-way along adjacent projects per Specific Plan
Fronting roadways of development: McHenry Avenue (State Hwy. 108)	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects and provide signal as needed.
Future east-west Collector	New Roadway	Dedicate and improve roadway to City Standards plus additional turn lanes as needed prior to development of 50% of Regional Commercial Area.

Improvements Required with Project Development (Sub-area B2)

Facility	Impact (Level of Service)	Required Improvements
Coffee/Claratina Intersection	LOS F	Signals needed plus four lane improvements
Coffee/Mable Intersection	Future Turning Movements	Provide adequate setbacks and dedication at northeast corner for future intersection turn lanes
Coffee/Mable Intersection	LOS F	Signals needed plus improvements per study
Fronting roadways of development: Pelandale Expressway (Claratina Avenue) Coffee Road	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects. Pelandale Expressway (Claratina Avenue) improvements per Specific Plan.
Future east-west Collector	New Roadway	Dedicate and improve roadway to City Standards plus additional turn lanes

Year 2025 (Project Buildout)

Facility	Impact (Level of Service)	Required Improvements
Coffee/Claratina Intersection	LOS E	Three through lanes needed and upgrade signals
Coffee/Mable Intersection	LOS E	Dual southbound turn lanes if no mid-block median break on Coffee Road
Pelandale Expressway (Claratina Avenue)	LOS F at intersections	Six through lanes needed per Coffee/ Claratina Specific Plan
Fronting roadways of development: Coffee Road McHenry Avenue (State Hwy. 108)	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects

E. SCHOOLS

The Coffee/Claratina project will be served by the Sylvan Union School District for grades Kindergarten (K) through 8, and by the Modesto High School District for 9-12. As stated in the City's General Plan (Policy V.H.3.i, Page V-25), the City considers impacts on public school capital facilities fully mitigated when it receives a letter stating that the school district and project proponent have resolved school impacts and the means by which they are resolved. This agreement will be required prior to recordation of final maps or plot plan approvals.

F. PARKS

In Modesto, open space is provided though a comprehensive network of regional, community and neighborhood parks. The Coffee/Claratina Specific Plan is the remaining portion of an existing neighborhood and lies within Park Planning Area No. 8 as shown on Figure V-5 of the General Plan. There are no existing parks within the existing neighborhood, and a neighborhood park shall be provided within the planning area. The Park should be centrally located and have one collector street frontage with the remaining side fronting on residential streets, whenever feasible. Payment of capital facilities fees will mitigate the projects impact to parks and open space demand in the area.

The minimum size for a neighborhood park shall be seven acres.

When a public elementary or junior high school or schools are located within a Park Planning area, up to five acres of open space, at each school which is developed, maintained and is accessible to the public for outdoor recreation activities, may count toward satisfying the Neighborhood Park standard of two acres of Neighborhood Park land per one thousand population within the Park Planning Area. However, regardless of the number of public school open space acres within a Park Planning Area, the City will provide a minimum of one City neighborhood park of seven acres.

G. GAS FACILITIES

Pacific Gas & Electric (PG&E) owns an approximately one-third (1/3) acre parcel, within the Specific Plan area, south of and adjacent to the existing Claratina Avenue right-of-way approximately 180 feet east of the centerline intersection of Claratina Avenue and Coffee Road. This site contains a gas regulator station.

Entering into the gas regulator station from the west in Claratina Avenue are 8-inch and 12-inch gas transmission lines. These facilities enter into the regulator station and then, through a series of valves and distribution facilities, exit the facility as 8-inch (2) and 10-inch gas transmission lines which continue east in Claratina Avenue and then north in Coffee Road to serve the communities of Riverbank, Oakdale and Escalon, and 8-inch and 12-inch gas transmission lines continuing east on Claratina Avenue and then south in Coffee Road to serve the City of Modesto.

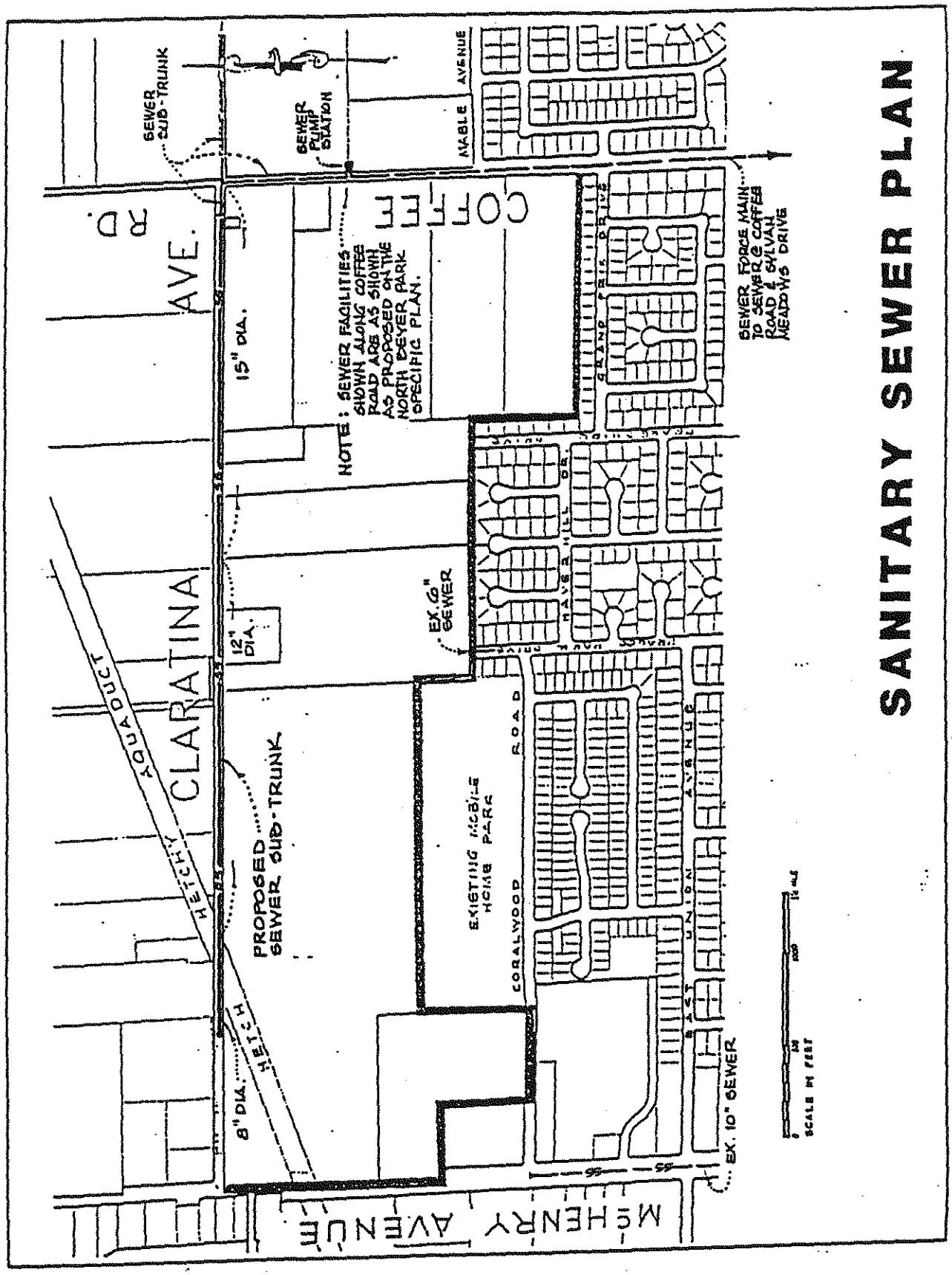
Widening Claratina Avenue to a 100-foot right-of-way on its existing alignment could require the relocation of eight mainline valves and five blow-off valves. If additional right of way is required from the centerline of Claratina Avenue, it is possible that more substantial facilities would need to be relocated which could ultimately require the relocation of the entire facility. Ultimately, the City will determine whether or not this facility ultimately needs to be relocated, or whether the Claratina alignment or section can be modified in such a way that the facility can remain, or modification can be minimal.

H. ELECTRICAL FACILITIES

Modesto Irrigation District ("MID") has existing 12kv overhead and underground distribution facilities located within or adjacent to Coralwood Road, McHenry Avenue, Claratina Avenue and Coffee Road with additional facilities that extend into various properties within the proposed Specific Plan area. Facilities will be relocated, placed underground, or otherwise modified consistent with MID and City of Modesto standards. Individual development requests will be analyzed to determine the most appropriate method of providing electrical service.

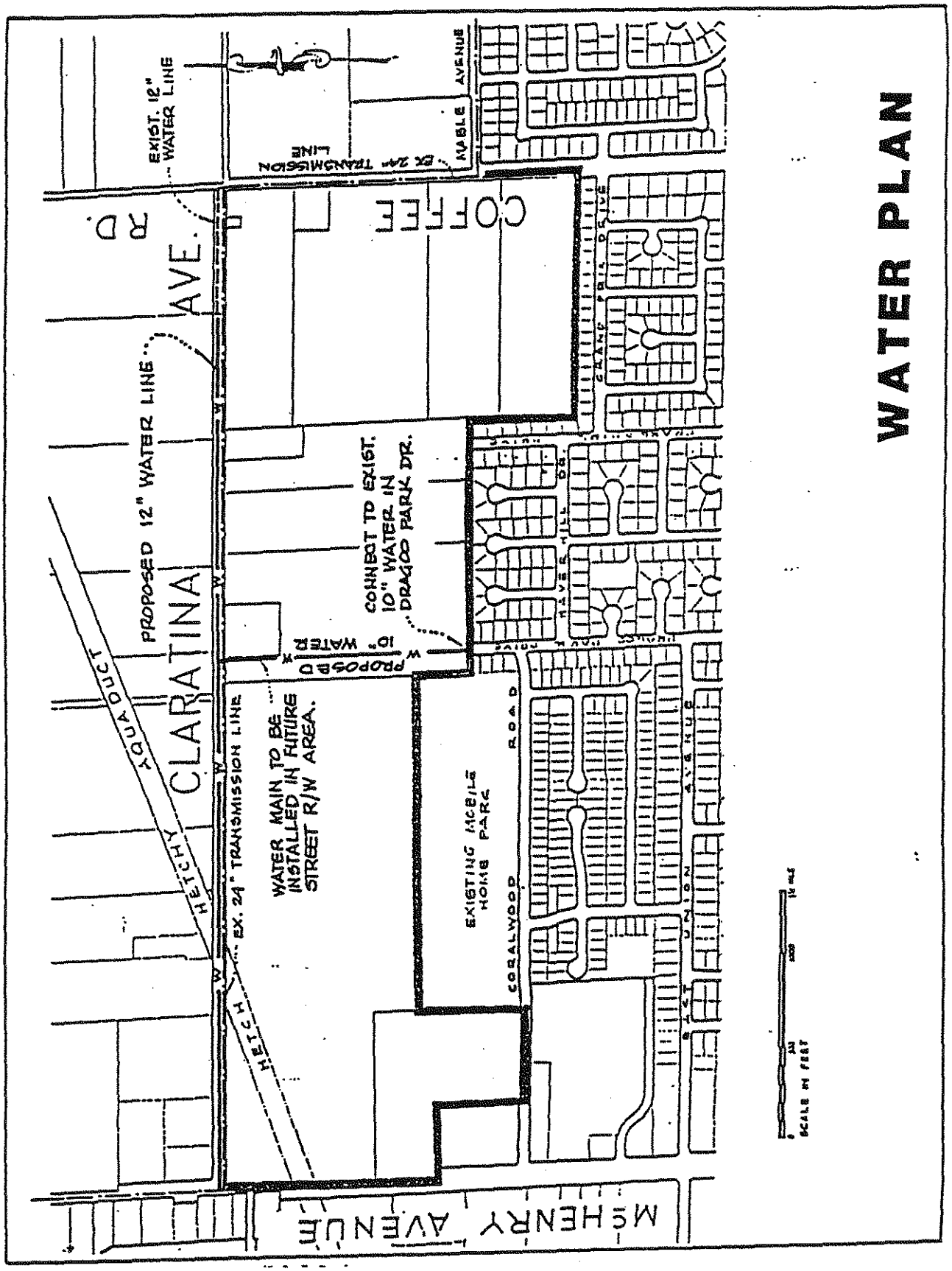
I. IRRIGATION FACILITIES

Underground irrigation facilities exist at the site. Individual development requests will show the location of existing irrigation facilities and how they will be abandoned or relocated. All facility abandonment or relocation will be consistent with Modesto Irrigation District and City of Modesto standards.



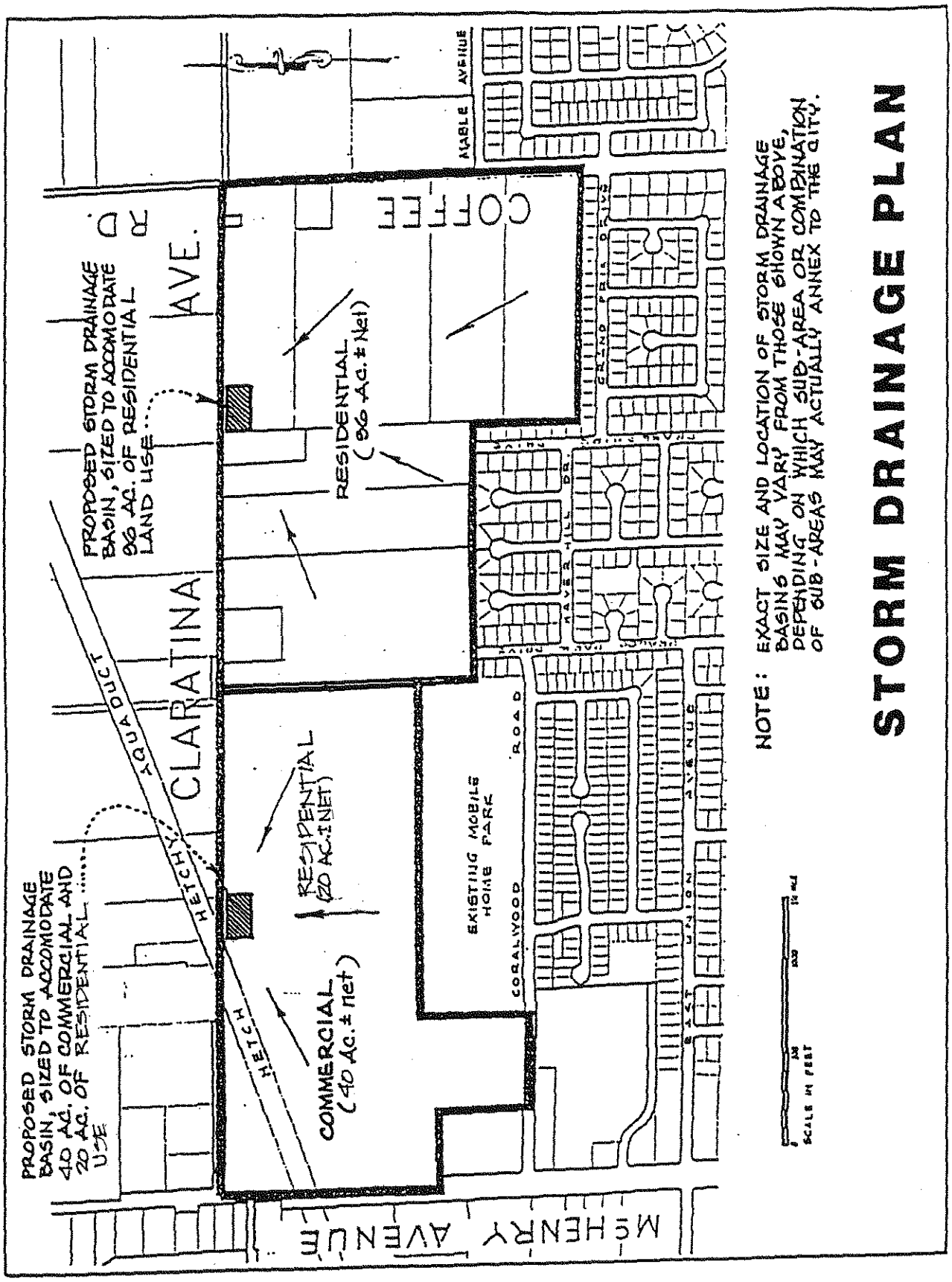
SANITARY SEWER INFRASTRUCTURE

FIGURE 6



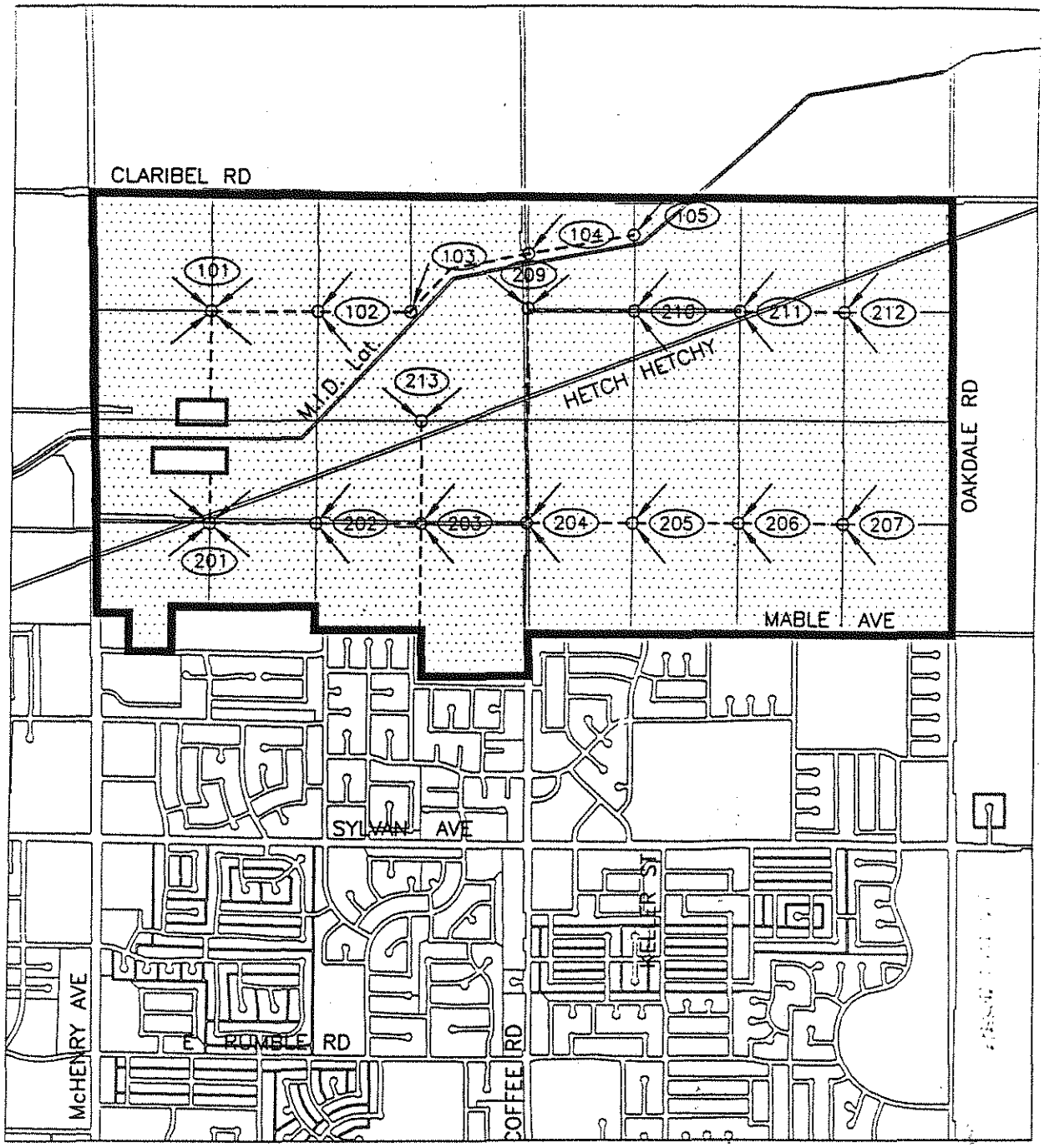
WATER INFRASTRUCTURE

FIGURE 7



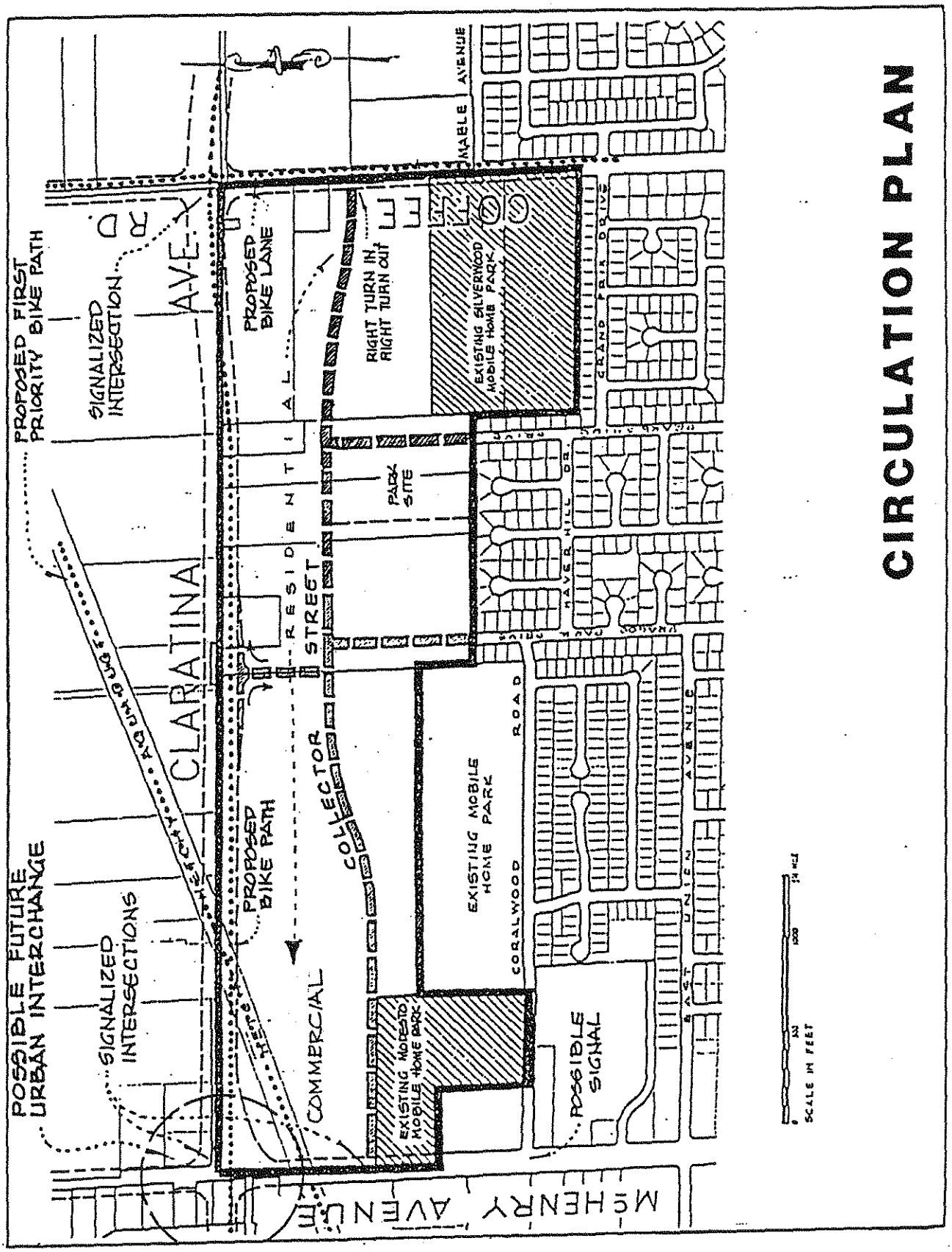
STORM DRAIN INFRASTRUCTURE

FIGURE 8



REGIONAL STORM DRAIN SYSTEM
TO SERVE COFFEE/CLARATINA

FIGURE 8A



VEHICULAR CIRCULATION DIAGRAM

FIGURE 9

Chapter 4. Specific Plan Implementation

OVERVIEW

Chapters 1-3 of this Specific Plan present the detailed explanation and policy guidance for future land development within the Coffee/Claratina Specific Plan. These descriptions provide coherent statements of the City of Modesto's intentions in allowing development within the Coffee/Claratina Specific Plan. Therefore, the policies presented in this Chapter represent adopted specific plan regulatory policies. These policies are grouped in the following categories:

A. Public Facility Infrastructure Policies;
B. Public Facility Financing Plan Policies;
C. Annexation Policies;
D. Development Processing Policies; and
E. Specific Plan Amendment Policies.

Each of the above sets of policies apply to discrete approval documents (i.e., a Tentative Subdivision Map, a Public Facilities Financing Plan, etc.). Preparation of these approval documents will be governed by policies presented in Sections A-E, that follow. In reviewing these subsequent sections, please note that they have been separated into "Overall" specific plan policies and "Sub-area" specific plan policies. This more detailed distinction of policies is established since different sub-areas are (i) currently developed, (ii) proposed to be developed under different land uses, and/or (iii) have other separate and distinct features which permit their independent development. As such, these policies recognize that any of these sub-areas may develop individually and will establish the policies for development in the event of that occurrence. In addition, overall policies are set forth for the entire specific plan area.

A. PUBLIC FACILITY INFRASTRUCTURE POLICIES

The public facilities required as part of this project are discussed in Chapter 3 of this Specific Plan document. In general, it is the intent of this Specific Plan that as many facilities as possible will be constructed by project developers and a minimum amount of facilities will be included in community facilities districts or other financing mechanisms. The following policies will govern the installation of infrastructure for the project.

1. Overall Infrastructure.

   a. *Development within the Coffee/Claratina Specific Plan will conform to all existing city-wide standards as set forth in the City's General Plan, Zoning Requirements (Title X of the Modesto Municipal Code), and the City of Modesto Public Works Standards, except as otherwise amended by this Specific Plan.*

b. *Projects developed in the Coffee/Claratina Specific Plan area will pay all required fees as established by city-wide fee ordinances for infrastructure and public facilities.*

c. *Sewer, water and storm drainage facilities will be installed as necessary to support development projects contained within the Specific Plan area. The storm drainage basins to be constructed on site will ultimately be connected to a regional basin via trunk lines in Claratina Avenue (see Figure 8A) and reclaimed for development.*

d. *Gas, electrical and irrigation facilities will be removed or relocated as necessary to support discrete development projects contained within the Specific Plan area.*

e. *Roadway facilities shall be installed as necessary to provide adequate circulation and access for individual development proposals.*

f. *Roadway facilities shall be installed consistent with existing City standards. For McHenry Avenue Improvements, compliance with state standards and issuance of encroachment permits by Caltrans will also be required. This may include a requirement for a Hazardous Materials Study for any right-of-way to be dedicated to the State. It is possible that a Permit Engineering Evaluation Report ("PEER") will be required by Caltrans prior to issuance of an encroachment permit.*

2. Infrastructure to Serve Sub-area A

Sub-area A is the existing Modesto Mobilehome Park which is currently serviced by private wells, septic facilities and on-site storm drainage disposal. This Mobilehome Park, as approved by Stanislaus County may continue indefinitely, upon annexation to the City. This area will ultimately be served both water and sewer service by the City of Modesto. Upon annexation of this property to the City of Modesto, the following policies will apply.

a. *No new permits for onsite wells or septic systems shall be issued by the City of Modesto. At the time of failure of either the onsite septic system or onsite water system, the City of Modesto shall require connection to existing City facilities in McHenry Avenue. At the time of connection, all appropriate City fees shall be paid.*

b. *Site storm drainage is currently handled by dry wells. Any proposed onsite development beyond that currently existing at the site will require the installation of a pipeline to the north, toward the proposed new collector road, which will ultimately connect to the storm drain basin proposed in Sub-area B_1.*

c. *Any development of this proposed property beyond that currently existing will require construction of McHenry Avenue improvements to the appropriate City standards and subject to all appropriate City policies and fees.*

3. Infrastructure to Serve Sub-area B_1.

Sub-area B_1 is proposed to be developed as 28 acres net of regional commercial and 30 acres net of Residential.

a. *Sewer service for Sub-area B_1 will be provided by the sewer line in Claratina Avenue extended from Coffee Road as shown in Figure 6.*

b. *Water Service will be provided to Sub-area B_1 from water lines proposed in Claratina Avenue and/or existing McHenry Avenue. Prior to development of Sub-area B_1, the City of Modesto Department of Public Works will determine the most appropriate method for provision of water service.*

c. *One storm drainage basin of approximately 10 to 11 acre feet of capacity will be installed in Sub-area B_1, sized to provide storm drainage facilities for both Sub-area B_1 and Sub-area A. This basin will be constructed so that it can ultimately be connected to a regional basin via trunk lines in Claratina Avenue (see Figures 8 and 8A), and reclaimed for development. The location of the storm drainage facility will be set with the first development proposal in Sub-area B_1. This basin shall be installed in its entirety with the first development in Sub-area B_1. Storm drainage facilities will be appropriately sized and ultimately constructed to the east/west collector roadway so that, at the appropriate time, connection to the facilities may be made by Sub-area A.*

d. *With the development of Sub-area B_1, signalization of the new project collector road/McHenry Avenue intersection will be required prior to the time at which that intersection would degrade to less than a Level of Service D. The developer's options will be:*

(1) *to install the signal with the first phase of development if signal warrants are met, or*

(2) *to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.*

e. *Signals shall be installed at the intersections of McHenry Avenue and Claratina Avenue, and Claratina Avenue and Coffee Road, when the signals warrants are met, in consultation with the City of Modesto Transportation Division.*

f. *Any development beyond 30 acres of the regional commercial area will require the project collector road to be completed for its entire length from McHenry Avenue to the easterly boundary of Sub-area B_1 and then up to the right-in/right-out connection at Claratina Avenue. The geometrics of the connection to Claratina Avenue will be established in consultation with the City of Modesto Transportation Division and will most likely be constructed as an interim improvement prior to full construction of Claratina Avenue.*

g. *At the time of development of Sub-area B_1, additional rights-of-way for McHenry Avenue or Claratina Avenue, fronting the area proposed for development, will be dedicated consistent with City standards. Additional dedication may be required along McHenry Avenue to allow for the construction of dual left turn lanes.*

h. *The intersection of the new east-west collector street with McHenry Avenue will include a minimum of two receiving lanes, two left turn lanes and one right turn lane. At the time of the review of any specific development request, the City of Modesto Transportation Division will evaluate whether another right turn lane is needed.*

4. Infrastructure to serve Sub-area B_2.

Sub-area B_2 consists of mostly undeveloped ground and four existing rural home sites which is slated for residential development (a 10-acre school site and 7-acre park site are also planned for this area). The existing rural home sites including any businesses legally established in the County may continue indefinitely upon annexation to the City.

a. *Sewer service will be provided out of the proposed sewer line in Claratina Avenue or Coffee Road. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.*

b. *Water service will be provided to Sub-area B_2 out of water lines proposed in Coffee Road or Claratina Avenue. Prior to development of Sub-area B_2, the City of Modesto Department of Public Works will determine the most appropriate method for provision of water service.*

c. *One storm drainage basin of approximately 6 to 7 acre-feet of capacity will be installed in Sub-area B_2 to provide storm drainage facilities for both Sub-area B_2 and Sub-area C. This basin will be constructed so that it can ultimately be connected to a regional basin via trunk lines in Claratina Avenue (see Figure 8 and 8A) and reclaimed for development. The location of the storm drainage facility will be set with the first development proposal in Sub-area B_2. This basin shall be installed in its entirety with the first development in Sub-area B_2. Storm drainage facilities will be appropriately sized and ultimately constructed to the east/west collector roadway so that, at the appropriate time, connection to the facilities may be made by Sub-area C.*

d. *With the development of Sub-area B_2, if the new project collector road exists to McHenry Avenue, signalization of the new project collector road/McHenry Avenue intersection will be required prior to the time at which that intersection would degrade to less than a Level of Service D. The developers options will be:*

   (1) *to install the signal with the first phase of development if signal warrants are met, or*

   (2) *to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.*

e. *Signals shall be installed at the intersections of McHenry Avenue and Claratina Avenue, and Claratina Avenue and Coffee Road, when the signals warrants are met, in consultation with the City of Modesto Transportation Division.*

f. *Development in Sub-area B_2 may occur if (i) the east/west collector road is complete to McHenry Avenue, or (ii) the connection to Coffee Road is made, or (iii) the right-in/right-out connection to Claratina Avenue is made. Dragoo Park Drive and Drakeshire Drive will be extended to the new east/west collector. The geometrics of the connection to Claratina Avenue or Coffee Road will be established in consultation with the City of Modesto Transportation Division.*

g. *Installation of the new east-west collector in Sub-area B_2, its alignment and intersection with Coffee Road, shall be as shown in Figure 9. Specific intersection geometrics including signalization will be determined by the City of Modesto Transportation Division.*

h. *At the time of development of Sub-area B_2, additional rights-of-way for Coffee Road or Claratina Avenue, based upon the area proposed for development, will be dedicated consistent with City standards. Additional dedications may be required for the construction of dual left turn lanes on Coffee Road.*

i. *No development shall be allowed in Sub-area B_2 which would affect the gas regulator station until the City determines the ultimate alignment and roadway section for Claratina Avenue.*

5. Infrastructure to Serve Sub-area C.

Sub-area C contains the existing Silverwood Mobilehome Park and some small commercial development. It is expected that Sub-area C will ultimately be developed residentially. The existing land uses including the Mobilehome Park, as approved by Stanislaus County, may continue indefinitely, upon annexation to the City.

a. *No new permits for onsite wells or septic systems shall be issued. At the time of failure of either the onsite septic system or onsite water system, the City of Modesto shall require connection to existing City facilities in Coffee Road. At the time of connection, all appropriate City fees shall be paid.*

b. *Site storm drainage is currently handled by dry wells. Any proposed onsite development beyond that currently existing at the site will require the installation of a pipeline to the north, toward the proposed new collector road, which will ultimately connect to the storm drain basin proposed in Sub-area B_2.*

c. *Any development of this property beyond that currently existing will require construction of Coffee Road improvements to the appropriate City standards and subject to all appropriate City policies and fees.*

B. PUBLIC FACILITY FINANCING PLAN POLICIES.

The public facilities and infrastructure specified within the previous Section A of this Specific Plan must be financed through future development. This financing will be as set forth in a Public Facility Financing Plan, to be adopted prior to specific project development. Following are the policies which will guide the preparation and adoption of the Public Facility Financing Plan. Adoption of the Financing Plan by the City Council

is a prerequisite to development within the Specific Plan.

1. Overall Financing Policies.

   a. *It is the intent that a majority of the infrastructure financing will be pay-as-you-go financing by individual development proposals. Notwithstanding Community Facilities Districts or other financing mechanism, may select any number of bonding methods. Where applicable, existing City policies regarding oversizing and reimbursement will apply, unless otherwise amended by this Specific Plan.*

   b. *The payment for infrastructure and facilities for the project will generally be as follows: (i) Claratina Avenue will be dedicated by adjacent development with reimbursement as set forth for right-of-way by current City policy; (ii) property owners within the Coffee/Claratina Specific Plan area will be required to pay their fair share of the expressway area-wide circulation system improvements, neighborhood park improvements, water, sanitary sewer, storm drainage, school facilities, and public services that are required to specifically serve the area. The financing plan will identify the specific revenue sources to pay for each of the infrastructure improvements and public services.*

   c. *The sanitary sewer line in Claratina Avenue and the pump station in Coffee Road will be installed or reimbursed through current City fees.*

   d. *The water line facilities in Claratina Avenue will be installed or reimbursed through current City fees.*

   e. *Right-of-way dedication and improvements will be handled through the existing City Capital Facility Fee Program for McHenry Avenue, Claratina Avenue, and Coffee Road, to the extent they are covered under the current fee program. Participation in the City's Capital Facility Fee Program will result in the project's fair share contribution for signalization of the McHenry Avenue/Claratina Avenue, Claratina Avenue/Coffee Road and Coffee Road/Mable Avenue traffic signals.*

   f. *Sub-areas B_1 and A, and Sub-area B_2 and C, will prepare independent reimbursement programs for the installation of storm drainage facilities to serve these areas.*

g. *Landowners fronting on the major roadways will be responsible for the financial cost of installing landscaping, walls and medians, with the exception of the Hetch Hetchy Right-of-Way, if these facilities are not contained in a current City fee program.*

h. *A Community Facilities District will be established to handle the maintenance of landscaping, medians and bikeways and the Hetch–Hetchy Aqueduct.*

i. *As a part of the formation of any Community Facilities District, a fair share cost allocation for public improvements required for the development of the plan area will be established for each parcel. All parcel owners who develop land within the Coffee/Claratina Specific Plan Area will be required to pay their fair share of costs based on the cost allocation methodology.*

j. *The new McHenry Avenue/project access road signal (and any required studies, including a Caltrans PEER's Study) will be in the Area of Benefit.*

k. *Storm drainage facilities will be included in the Community Facilities District. The financing of storm drainage facilities shall include provisions to have the storm drainage facilities constructed as part of the first infrastructure constructed.*

l. *Tentative maps for development shall contain the following statement: Prior to recordation of any final maps for development property shall be required to annex to Schools Infrastructure Financing Agency* (CFD – 1991-1).

2. Financing Policies Applicable to Sub-area A.

a. *Property owners within Sub-area A will be responsible to reimburse property owners within Sub-area B_1, for storm drainage facilities should properties within Sub-area A either develop or desire to connect to the storm drainage facility in Sub-area B_1.*

b. *Sub-area A will be responsible for no other facilities contained in the Coffee/Claratina Specific Plan Area, other than those previously specified.*

3. Financing Policies Applicable to Sub-area B_1.

a. *All aforementioned overall financing policies will apply to Sub-area B_1.*

4. Financing Policies Applicable to Sub-area B_2.

a. All aforementioned overall financing policies will apply to Sub-area B_2.

b. Prior to the approval of tentative maps in Sub-area B_2, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication.

5. Financing Policies Applicable to Sub-area C.

The Specific Plan assumes that Sub-area C will develop to a residential use.

a. All aforementioned overall financing policies will apply to Sub-area C.

C. ANNEXATION POLICIES

Once the Specific Plan is adopted, the Council may initiate annexation by any property owner within the Specific Plan area. The following are the policies which will guide the annexation process for properties covered by the Coffee/Claratina Specific Plan.

1. Overall Annexation Policies.

a. Any of the four Sub-areas may independently request annexation from the Modesto City Council and the Modesto City Council may approve independent annexation of any of the four sub-areas.

2. Policies for Annexation within Sub-area A.

a. Property owners within Sub-area A may independently request annexation from the Modesto City Council.

3. Policies for Annexation within Sub-area B_1.

a. Property owners within Sub-area B may independently request annexation from the Modesto City Council.

4. Policies for Annexation within Sub-area B_2.

a. Property owners within Sub-area B_2 may independently request annexation from the Modesto City Council.

5. Policies for Annexation within Sub-area C.

a. Property owners within Sub-area C may independently request annexation from the Modesto City Council.

D. DEVELOPMENT PROCESSING POLICIES

Subject to, or concurrent with, annexation of specific parcels, those properties may also seek development approvals from the City. Following are the policies which will guide development of individual properties, in accordance with this Specific Plan.

1. Overall Development Policies.

a. The City of Modesto's Title X, Planning and Zoning Code Latest Edition, is hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan, as the Plan's land use regulations and development standards.

b. The City's zoning map, as allowed by Section 10-2.303 of the Modesto Municipal Code shall indicate SP-O zoning for the area of the Coffee/Claratina Specific Plan.

c. The purpose of the SP-O zone is to permit development within the Coffee/Claratina Specific Plan Area under Title X of the Modesto Municipal Code, and any exceptions as defined in the Specific Plan.

d. Exception Guidelines. The Planning Commission may grant exceptions to any of the development regulations listed in Chapter 2 of the Specific Plan, by resolution, based on the following considerations:

i. To encourage creative and efficient land uses;
ii. To encourage mixed or multiple use projects; or
iii. To permit variations from the density, height or other standards.

e. There are only two principle underlying zones established in conjunction with the adoption of this Specific Plan. These zonings are Low Density Residential zone (R-1), and Regional Commercial (C-3). These zones are set forth in Title X of the Modesto Municipal Code and are as follows: Low Density Residential zone (R-1) – Article 5, Section 10-2.501 et seq., and Highway Commercial zone (C-3) – Article 12, Section 10-2.1201 et seq.

All development within the Coffee/Claratina Specific Plan Area shall comply with the regulations for each of these principle underlying zones as set forth in Chapter 2 of Title X of the Modesto Municipal Code. In the event that uses, standards and/or development review processes of the underlying principle zoning conflict with the same set forth elsewhere in this Specific Plan, those of the Specific Plan and its subsequent implementation program shall prevail.

f. *Subdivision development within the Coffee/Claratina Specific Plan shall be governed by the City of Modesto's Subdivision Ordinance, Chapter 4 of Title IV of the Modesto Municipal Code and the State Subdivision Map Act (California Government Code §66410 et seq.). Processing procedures, submittal requirements, and findings required by the City's subdivision ordinance will be enforced as set forth therein.*

g. *All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.*

h. *An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.*

i. *To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the expressway.*

2. Policies for Development within Sub-area A.

a. *Sub-area A is assumed to remain as a mobilehome park. If Sub-area A were to develop, it would be required to develop subject to the subdivision process set forth under overall development policies and the C-3 zoning standards contained in Title X of the Modesto Municipal Code.*

3. Policies for Development within Sub-area B_1.

a. *Development within Sub-area B_1 will follow either the C-3 or R-1 zoning designations, and the land use and development standards set forth in Title X of the Modesto Municipal Code.*

b. *Any subdivision maps proposed as part of these developments shall comply with the subdivision process set forth under overall development policies above.*

c. *An eight-foot masonry sound attenuation wall including a ten-foot landscaped setback will be constructed between residences in mobilehome park in Sub-area A and the east/west collector.*

4. Policies for Development within Sub-area B_2.

a. *Development within Sub-area B_2 shall comply with the subdivision development policies set forth above under overall development policies.*

b. *Development within Sub-area B_2 shall comply with the R-1 zoning standards contained in Title X of the Modesto Municipal Code.*

c. *Prior to the approval of tentative maps on Assessor's Parcel Nos. 52-08-02, and 52-08-13 in Sub-area B_2, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication.*

d. *Prior to the Approval of tentative maps on Assessor's Parcel Nos. 52-08-15, and 52-08-02 in Sub-area B_2 , the applicant shall obtain written approval from the Sylvan School District regarding the need for a 10-acre school site.*

5. Policies for Development within Sub-area C.

a. *Development within Sub-area C shall comply with the subdivision development policies set forth above under overall development policies.*

b. *Development within Sub-area C shall comply with the R-1 zoning standard contained in Title X of the Modesto Municipal Code.*

E. SPECIFIC PLAN AMENDMENT POLICIES

The City requires the following steps be completed to amend specific plans:

1. Proposals to amend the specific plan must be accompanied by detailed information documenting the change requested and accompanied by textual revisions and revised maps or diagrams.

2. Documentation of the need for amendments should indicate the economic, social, technical issues that generate that need. Proposals to amend the specific plan also must be accompanied by studies that address such issues as conformance with

specific plan principles and policies, compatibility with adopted land uses, and infrastructure requirements.

3. Applications for specific plan amendments also must provide an impact analysis for levels and types if development other than or in excess of the maximums addressed in the Mitigated Negative Declaration. Depending on the nature of the amendment, supplemental environmental analysis may be necessary (according to CEQA legislation [Section 15162 of the State of CEQA Guidelines]).

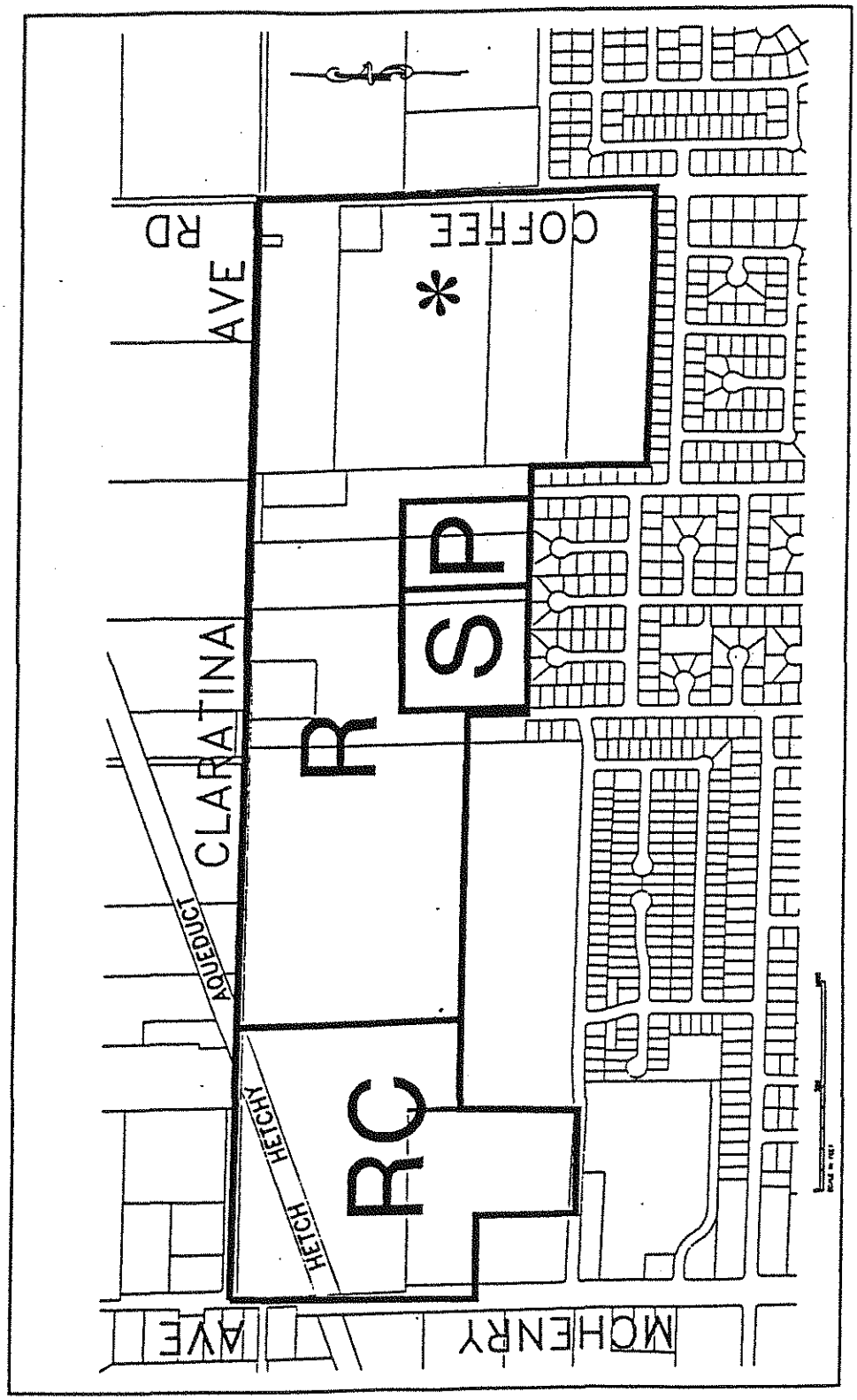
4. City staff will review submitted material and provide a staff report to the Planning Commission and City Council for action. Clarification of the individual studies may be required. Staff also will review the amendment for consistency with the General Plan and determine whether the need to amend the Specific Plan can be supported by the conclusions in any of the supplemental studies.

5. Both the Planning Commission and City Council must hold public hearings on specific plan amendments (in accordance with Section 65453 of State Government Code).

EXHIBIT B

Proposed Revisions to be Included in

June 2, 1998, Specific Plan



LAND USE DIAGRAM FIGURE 4

* Note: Notwithstanding this Land Use Diagram, within Subarea B2 only, limited Commercial uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.

3. To permit variations from the density, height, and other standards.
4. Small lot residential development may be granted as long as the maximum number of residential units set forth herein is not exceeded.

4. Land Use Designations

Following are the Land Use Designations proposed by this Specific Plan including a brief description of the permitted uses. The distribution of these uses is shown on Figure 4 Land Use Diagram.

a. Residential (R). The R designation accommodates single family residential uses. The maximum permitted number of units for the entire Specific Area General Plan. Areas designated R utilize the City's R-1 zone as its development regulations with the following exceptions: Lot sizes smaller than 5,000 square feet and senior housing facilities, as an example, are permitted as long as the 1000 dwelling unit maximum is not exceeded. Churches, parks and school sites can develop residentially and are consistent with this category. Notwithstanding this Land Use Designation, within Sub-area B2 only limited commercial uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.

b. School (S). The Sylvan Union School District has stated that the need exists in this area for a 10 acre elementary school site. A portion of the residentially designated area, centrally located within the neighborhood could be purchased by the consistent with this category. Notwithstanding this Land Use Designation, within Subarea B2 only, Limited are consistent with the assumptions of the Traffic Analysis school district for these purposes. Should the School District determine the site is not needed, the allowed uses for the area would be development as single-family residential as described under the above-referenced Residential designation. The procedure for verification of School District need for the site is contained in Chapter 4, Development Processing policies for tentative maps in Sub-area B_2 (desired location shown, Figure 4).

c. Park (P). A neighborhood park sized at approximately seven acres shall be developed in a centrally located area within the plan area. Development standards shall meet the requirements set forth in V-I (3.c.) of the City of Modesto Urban Area General Plan. Should the City determine the park site is not needed, the allowed uses for the area would be developed as single-family residential as described in the above-referenced Residential (R) designation. The procedure for verification of the City's need for the site is contained in Chapter 4, Development Processing Policies for tentative maps in Sub-area B_2 (desired location shown, Figure 4).

d. Regional Commercial (RC). The regional commercial designation applies to 40 acres, including the area within the Hetch-Hetchy R.O.W., located along McHenry Avenue (State Hwy. 108) to join the established commercial uses on McHenry Avenue. Land use and development standards shall be as set forth in the City's C-3 zoning

(2) *to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.*

e. *Signals shall be installed at the intersections of McHenry Avenue and Claratina Avenue, and Claratina Avenue and Coffee Road, when the signals warrants are met, in consultation with the City of Modesto Transportation Division.*

f. *Any development beyond 30 acres of the regional commercial area will require the project collector road to be completed for its entire length from McHenry Avenue to the easterly boundary of Sub-area B_1 and then up to the right-in/right-out connection at Claratina Avenue. The geometrics of the connection to Claratina Avenue will be established in consultation with the City of Modesto Transportation Division and will most likely be constructed as an interim improvement prior to full construction of Claratina Avenue.*

g. *At the time of development of Sub-area B_1, additional rights-of-way for McHenry Avenue or Claratina Avenue, fronting the area proposed for development, will be dedicated consistent with City standards. Additional dedication may be required along McHenry Avenue to allow for the construction of dual left turn lanes.*

h. *The intersection of the new east-west collector street with McHenry Avenue will include a minimum of two receiving lanes, two left turn lanes and one right turn lane. At the time of the review of any specific development request, the City of Modesto Transportation Division will evaluate whether another right turn lane is needed.*

4. Infrastructure to serve Sub-area B_2.

Sub-area B_2 consists of mostly undeveloped ground and four existing rural home sites which is slated for residential development. A 10-acre school site and 7-acre park site are also planned for this area. In addition, limited Commercial uses may be established fronting on Coffee Road, as long as these uses are consistent the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan. The existing rural home sites including any businesses legally established in the County may continue indefinitely upon annexation to the City.

a. *Sewer service will be provided out of the proposed sewer line in Claratina Avenue or Coffee Road. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.*

a. *Property owners of the mobilehome park shall be exempt from the cost of infrastructure required to develop the Specific Plan area, until the owners develop the parcels according to the land uses assigned by the Specific Plan. Parcel owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line. These parcel owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.*

3. Policies for Annexation within Sub-area B_1.

   a. *Property owners within Sub-area B may independently request annexation from the Modesto City Council.*

4. Policies for Annexation within Sub-area B_2.

   a. *Property owners within Sub-area B_2 may independently request annexation from the Modesto City Council.*

5. Policies for Annexation within Sub-area C.

   b. *Property owners within Sub-area C may independently request annexation from the Modesto City Council.*

   c. *Property owners of the mobilehome park shall be exempt from the cost of infrastructure required to develop the Specific Plan area, until the owners develop the parcels according to the land uses assigned by the Specific Plan. Parcel owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line. These parcel owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the financing plan.*

D. DEVELOPMENT PROCESSING POLICIES

Subject to, or concurrent with, annexation of specific parcels, those properties may also seek development approvals from the City. Following are the policies which will guide development of individual properties, in accordance with this Specific Plan.

1. Overall Development Policies.

   a. *The City of Modesto's Title X, Planning and Zoning Code Latest Edition, is hereby adopted and incorporated by reference into the Coffee/Claratina Specific Plan, as the Plan's land use regulations and development standards.*

c. *An eight-foot masonry sound attenuation wall including a ten-foot landscaped setback will be constructed between residences in mobilehome park in Sub-area A and the east/west collector.*

4. Policies for Development within Sub-area B_2.

a. *Development within Sub-area B_2 shall comply with the subdivision development policies set forth above under overall development policies.*

b. *Limited Commercial uses may be established fronting on Coffee Road, as long as these uses are consistent with the assumptions of the Traffic Analysis supporting the Mitigated Negative Declaration adopted for the Specific Plan.*

c. *Development within Sub-area B_2 shall comply with the R-1 zoning standards contained in Title X of the Modesto Municipal Code. Commercial development within Sub-area B_2 shall comply with the C-3 zoning standards in Title X of the Modesto Municipal Code.*

d. *Prior to the approval of tentative maps ~~on Assessor's Parcel Nos. 52-08-02, and 52-08-13~~ in Sub-area B_2, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication.*

e. *Prior to the Approval of tentative maps ~~on Assessor's Parcel Nos. 52-08-15, and 52-08-02~~ in Sub-area B_2 , the applicant shall obtain written approval from the Sylvan School District regarding the need for a 10-acre school site.*

5. Policies for Development within Sub-area C.

a. *Development within Sub-area C shall comply with the subdivision development policies set forth above under overall development policies.*

b. *Development within Sub-area C shall comply with the R-1 zoning standard contained in Title X of the Modesto Municipal Code.*

E. SPECIFIC PLAN AMENDMENT POLICIES

The City requires the following steps be completed to amend specific plans:

1. Proposals to amend the specific plan must be accompanied by detailed information documenting the change requested and accompanied by textual revisions and revised maps or diagrams.

DISTRIBUTION LIST
SPECIFIC PLAN RESOLUTION

2 - Clerk
2 - Attorney
1 - CDD-Brian Smith
1 - CDD-Bob Cannell
1 - CDD-Pat Foran
1 - Board of Supervisors
1 - Applicant

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9 - Total

Please distribute as noted above.

Corrected 6-16-98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-294

A RESOLUTION ADOPTING THE COFFEE/CLARATINA SPECIFIC PLAN.

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

WHEREAS, on August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan which contains Community Development policies including the Coffee/Claratina Comprehensive Planning District which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, in September, 1997, the California Equity Management Group initiated a proposal for development of the Coffee/Claratina Comprehensive Planning District consisting of 170 acres, the principal components being Single-Family Residential and Regional Commercial uses, an elementary school, and neighborhood park, and

WHEREAS, Public Review Documents dated February, 1998, which include a Draft Specific Plan, also include the Final CEQA review document in the form of a "Results of Public Review" Mitigated Negative Declaration (final document plus comments and responses to comments ((SCH# 98022079), were distributed to the

Planning Commission on April 24, 1998, prior to the public hearing, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 4, 1998, to receive evidence both oral and documentary to consider making a recommendation to the City Council regarding the adoption of the Draft Specific Plan, and

WHEREAS, staff prepared and presented a revised Draft Specific Plan dated May 4, 1998, which contained recommended revisions to the public review document to address additional concerns from agencies, property owners, and the applicant, and

WHEREAS, in accordance with Section 15025(c) of the CEQA Guidelines, the Planning Commission reviewed and considered the Mitigated Negative Declaration for the Coffee/Claratina specific Plan dated April, 1998, and

WHEREAS, the Planning Commission reviewed and considered the May 4, 1998, Draft Specific Plan document along with the staff report, and

WHEREAS, by Resolution No. 98-37 adopted on May 4, 1998, the Planning Commission recommended to the City Council the adoption of the Coffee/Claratina Specific Plan dated May 4, 1998, along with the incorporation of recommended revisions,

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on June 2, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public

hearing of the Council was held and evidence both oral and documentary was received and considered,

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

1. That the Mitigated Negative Declaration is complete and adequate, and that it has been prepared and completed in accordance with the provisions of CEQA.

2. That the revised Draft Specific Plan, consisting of the May 4, 1998, Specific Plan along with proposed revisions/additions, Exhibit A", is consistent with the City of Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the Coffee Claratina Specific Plan dated May 4, 1998, along with the incorporation of the recommended revisions, a copy of which is attached hereto as Exhibit "A", however, all references in the text of the Specific Plan to specific parcel numbers for the school and park sites shall be deleted.

BE IT FURTHER RESOLVED that this resolution shall become effective thirty (30) days from the date it was passed.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to certify copies of this Resolution and said Specific Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

REVISIONS TO MAY 4, 1998
COFFEE/CLARATINA DRAFT SPECIFIC PLAN

Year 2025 (Project Buildout)

Facility	Impact (Level of Service)	Required Improvements
Coffee/Claratina Intersection	LOS E	Three through lanes needed and upgrade signals
Coffee/Mable Intersection	LOS E	Dual southbound turn lanes if no mid-block median break on Coffee Road
Pelandale Expressway (Claratina Avenue)	LOS F at intersections	Six through lanes needed per Coffee/ Claratina Specific Plan
Fronting roadways of development: Coffee Road McHenry Avenue (State Hwy. 108)	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects

E. SCHOOLS

The Coffee/Claratina project will be served by the Sylvan Union School District for grades Kindergarten (K) through 8, and by the Modesto High School District for 9-12. As stated in the City's General Plan (Policy V.H.3.i, Page V-25), the City considers impacts on public school capital facilities fully mitigated when it receives a letter stating that the school district and project proponent have resolved school impacts and the means by which they are resolved. This agreement will be required prior to recordation of final maps or plot plan approvals.

F. PARKS

In Modesto, open space is provided though a comprehensive network of regional, community and neighborhood parks. The Coffee/Claratina Specific Plan is the remaining portion of an existing neighborhood and lies within Park Planning Area No. 8 as shown on Figure V-5 of the General Plan. There are no existing parks within the existing neighborhood, and a neighborhood park shall be provided within the planning area. The Park should be centrally located and have one collector street frontage with the remaining side fronting on residential streets, whenever feasible. Payment of capital facilities fees will mitigate the projects impact to parks and open space demand in the area.

The minimum size for a neighborhood park shall be seven acres.

(2) to satisfy the city traffic department, with appropriate traffic analysis, that the intersection will not degrade below level of Service D with the proposed development without the installation of the signal.

e. Signals shall be installed at the intersections of McHenry Avenue and Claratina Avenue, and Claratina Avenue and Coffee Road, when the signals warrants are met, in consultation with the City of Modesto Transportation Division.

f. Any development beyond 30 acres of the regional commercial area will require the project collector road to be completed for its entire length from McHenry Avenue to the easterly boundary of Sub-area B_1 and then up to the right-in/right-out connection at Claratina Avenue. The geometrics of the connection to Claratina Avenue will be established in consultation with the City of Modesto Transportation Division and will most likely be constructed as an interim improvement prior to full construction of Claratina Avenue.

g. At the time of development of Sub-area B_1, additional rights-of-way for McHenry Avenue or Claratina Avenue, fronting the area proposed for development, will be dedicated consistent with City standards. Additional dedication may be required along McHenry Avenue to allow for the construction of dual left turn lanes.

h. The intersection of the new east-west collector street with McHenry Avenue will include a minimum of two receiving lanes, two left turn lanes and one right turn lane. At the time of the review of any specific development request, the City of Modesto Transportation Division will evaluate whether another right turn lane is needed.

4. Infrastructure to serve Sub-area B_2.

Sub-area B_2 consists of mostly undeveloped ground and four existing rural home sites which is slated for residential development (a 10-acre school site and 7-acre park site are also planned for this area). The existing rural home sites including any businesses legally established in the County may continue indefintely upon annexation to the City.

a. Sewer service will be provided out of the proposed sewer line in Claratina Avenue or Coffee Road. This line has been extended up Coffee Road from the south and will be extended westerly in Claratina Avenue to serve the area slated for development.

All development within the Coffee/Claratina Specific Plan Area shall comply with the regulations for each of these principle underlying zones as set forth in Chapter 2 of Title X of the Modesto Municipal Code. In the event that uses, standards and/or development review processes of the underlying principle zoning conflict with the same set forth elsewhere in this Specific Plan, those of the Specific Plan and its subsequent implementation program shall prevail.

f. *Subdivision development within the Coffee/Claratina Specific Plan shall be governed by the City of Modesto's Subdivision Ordinance, Chapter 4 of Title IV of the Modesto Municipal Code and the State Subdivision Map Act (California Government Code §66410 et seq.). Processing procedures, submittal requirements, and findings required by the City's subdivision ordinance will be enforced as set forth therein.*

g. *All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan area.*

h. *An eight-foot masonry sound attenuation wall will be constructed between single-family residential areas and the expressway.*

i. *To reduce second-story interior noise levels to less than the 45 CNEL standard, noise mitigating window assemblies shall be required for windows facing the expressway.*

2. Policies for Development within Sub-area A.

a. *Sub-area A is assumed to remain as a mobile home park. If Sub-area A were to develop, it would be required to develop subject to the subdivision process set forth under overall development policies and the C-3 zoning standards contained in Title X of the Modesto Municipal Code.*

3. Policies for Development within Sub-area B_1.

a. *Development within Sub-area B_1 will follow either the C-3 or R-1 zoning designations, and the land use and development standards set forth in Title X of the Modesto Municipal Code.*

b. *Any subdivision maps proposed as part of these developments shall comply with the subdivision process set forth under overall development policies above.*

c. *An eight-foot masonry sound attenuation wall including a ten-foot landscaped setback will be constructed between residences in mobile home park in Sub-area A and the east/west collector.*

4. Policies for Development within Sub-area B_2.

a. *Development within Sub-area B_2 shall comply with the subdivision development policies set forth above under overall development policies.*

b. *Development within Sub-area B2 shall comply with the R-1 zoning standards contained in Title X of the Modesto Municipal Code.*

c. *Prior to the approval of tentative maps on Assessor's Parcel Nos. 52-08-02, and 52-08-13 in Sub-area B_2, the City shall determine whether parkland dedication will be required, or whether parkland will be purchased, subject to all appropriate city and state laws and regulations governing parkland dedication.*

d. *Prior to the Approval of tentative maps on Assessor's Parcel Nos. 52-08-15, and 52-08-02 in Sub-area B_2 , the applicant shall obtain written approval from the Sylvan School District regarding the need for a 10-acre school site.*

5. Policies for Development within Sub-area C.

a. *Development within Sub-area C shall comply with the subdivision development policies set forth above under overall development policies.*

b. *Development within Sub-area C shall comply with the R-1 zoning standard contained in Title X of the Modesto Municipal Code.*

E. SPECIFIC PLAN AMENDMENT POLICIES

The City requires the following steps be completed to amend specific plans:

1. Proposals to amend the specific plan must be accompanied by detailed information documenting the change requested and accompanied by textual revisions and revised maps or diagrams.

2. Documentation of the need for amendments should indicate the economic, social, technical issues that generate that need. Proposals to amend the specific plan also must be accompanied by studies that address such issues as conformance with

also must be accompanied by studies that address such issues as conformance with specific plan principles and policies, compatibility with adopted land uses, and infrastructure requirements.

3. Applications for specific plan amendments also must provide an impact analysis for levels and types if development other than or in excess of the maximums addressed in the Mitigated Negative Declaration. Depending on the nature of the amendment, supplemental environmental analysis may be necessary (according to CEQA legislation [Section 15162 of the State of CEQA Guidelines]).

4. City staff will review submitted material and provide a staff report to the Planning Commission and City Council for action. Clarification of the individual studies may be required. Staff also will review the amendment for consistency with the General Plan and determine whether the need to amend the Specific Plan can be supported by the conclusions in any of the supplemental studies.

5. Both the Planning Commission and City Council must hold public hearings on specific plan amendments (in accordance with Section 65453 of State Government Code).

DISTRIBUTION LIST
SPECIFIC PLAN RESOLUTION

2 - Clerk
2 - Attorney
1 - CDD-Brian Smith
1 - CDD-Bob Cannell
1 - CDD-Pat Foran
1 - Board of Supervisors
1 - Applicant

9 - Total

Please distribute as noted above.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-295

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BIG VALLEY GRACE COMMUNITY CHURCH FOR ADVANCE OF FUNDS FOR THE CONSTRUCTION OF PELANDALE AVENUE FROM DALE ROAD TO MCHENRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Big Valley Grace Community Church for advance of funds for the construction of Pelandale Avenue from Dale Road to McHenry Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-296

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL ENVIRONMENTAL IMPACT REPORT (SCH 93042004) RELATING TO THE APPROVAL OF THE PELANDALE/SNYDER SPECIFIC PLAN: PELANDALE ROAD EXTENSION AGREEMENT.

WHEREAS, on January 16, 1996, by Resolution No. 96-22, the City Council of the City of Modesto certified the Final Environmental Impact Report (" EIR") (SCH 93042004) for the Pelandale/Snyder Specific Plan, and

WHEREAS, the City's Community Development Department reviewed a proposal to enter into an agreement with Big Valley Grace Community Church to extend Pelandale Road from Dale Road to McHenry Avenue, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Final EIR; and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Final EIR, and

WHEREAS, on June 2, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the proposed, and makes the following findings:

1. There are no substantial changes in the proposed project contemplated by the Agreement which will require major revisions of the Pelandale/Snyder Specific Plan EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project contemplated by the Agreement is being undertaken which will require major revisions in the Pelandale/Snyder Specific Plan EIR.

3. No new information, which was not known and could not have been known at the time the Pelandale/Snyder Specific Plan EIR was certified as complete has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by ~~Councilmember~~ Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith, Mayor Lang

NOES: Councilmembers Serpa

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-297

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, FOR A TECHNOLOGY GRANT THROUGH "COPS MORE" (MAKING OFFICER REDEPLOYMENT EFFECTIVE) FOR $200,000 TO PURCHASE LAP TOP COMPUTERS FOR MODESTO POLICE OFFICERS.

WHEREAS, the Office of Community Oriented Policing Services of the U.S. Department of Justice is soliciting applications for technology projects that will assist in making the COPS on-the-street officers, granted by the Federal government in the past four years, more effective in their missions to bring community policing to the nation, and

WHEREAS, this grant offering presents an excellent opportunity to provide, largely at Federal expense, more advanced technology to the Police Department's crime suppression mission, and

WHEREAS, the acquisition of lap top computers for Modesto Police Officers would allow more efficient data transfer from the main Police Building to the filed, and would allow Police Officers to input much of their own crime data, eliminating duplicate input by the Records Division, and

WHEREAS, the grant application is due in mid-June, 1998, but if selected, the department will not be awarded a grant contract until mid to late October, 1998, and

WHEREAS, the grant program requires a 25% match by the local government entity, however, because the City was recently granted a "waiver of match" from the Federal

government because of the floods of 1997, the City will need only to match 10% of the total project cost, or $20,000, and local matching funds will be covered within the Police Department's ABS appropriation for 1998/99.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit an application and grant-related documents for to the U.S. Department of Justice, Office of Community Oriented Policing Services for a technology grant project through COPS MORE (Making Officer Redeployment Effective) for $200,000 to purchase lap top computers for Modesto Police Officers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

DISTRIBUTION
RESOLUTION AUTHORIZING SUBMITTAL
OF GRANT APPLICATIONS

2- Clerk
1- Attorney
1- Initiating Department
1- Finance

5

Please distribute as noted above.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-298

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 ANNUAL BUDGET TO APPROPRIATE FUNDS FROM THE STORM DRAIN FUND RESERVE TO THE STORM DRAIN OPERATING BUDGET TO RESTORE FUNDS IMPACTED BY THE EMERGENCY STORM-RELATED WORK

WHEREAS, earlier this yeasr, severe storm weather required emergency action be taken to protect residents and prevent loss of property; and

WHEREAS, reimbursement from FEMA is anticipated to occur in this fiscal year. However, until reimbursement occurs, the City's Storm Drain Fund must continue to carry these expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 Annual Budget is hereby amended as indicated below:

Expenditures	
#628-800-8000-8003 Contingency Reserve	$(100,000)
#628-480-5312-0110 Salaries	$ 100,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-299

A RESOLUTION APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND ARC OF STANISLAUS COUNTY FOR THE OPERATION OF THE SNACK BAR AT THE MODESTO AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the lease agreement between the City of Modesto and ARC of Stanislaus County for the operation of the snack bar at the Modesto Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk 8

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-300

A RESOLUTION OF INTENTION TO VACATE AND ABANDON A PORTION OF TENTH STREET IN BLOCKS 57 AND 67, CONSISTING OF FIVE FEET FROM EACH SIDE OF THE STREET, LOCATED BETWEEN J AND K STREETS.

WHEREAS, the City Council has received and referred to the Planning Commission a request by the Redevelopment Agency of the City of Modesto to vacate and abandon a portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the portions of the Tenth Street right-of-way between J and K Streets in adjacent land owners who are the proponents of the abandonment, and

WHEREAS, the proposed partial street abandonment has been referred to the affected City departments and local utility companies, and no objection to the abandonment has been received, and

WHEREAS, notices of an informal public hearing to consider the request to vacate and abandon a portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets were posted in the area and said public hearing was held by the Planning Commission on May 4, 1998, and

WHEREAS, the Planning Commission by Resolution No. 98-35, adopted May 4, 1998, found and determined as follows:

1. That portions of Tenth Street, consisting of two five-foot-wide strips along each side of the street between J and K Streets is unnecessary for present or future pedestrian or vehicular use.

2. That the area to be abandoned is not required to be retained as a public utility easement.

3. That Environmental Assessment No. 98-21 judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities.

3. That the abandonment and vacation of portions of Tenth Street is in conformance with the City of Modesto General Plan.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon a portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provisions of the State of California Streets and Highway Code, Sections 8300-8363: Public Streets, Highways and Service Easements Vacation Law.

SECTION 3. Notice is hereby given that June 23, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California is hereby

fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in *The Modesto Bee*, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of a portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets, to be posted conspicuously along Tenth Street in Blocks 57 and 67 at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the portion of street proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall, acting for JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

inter-valley engineering
A Professional Corporation
Land Planning • Engineering • Surveying
900 "H" Street, Suite G • Modesto, CA 95354 • (209) 526-4214 • FAX (209) 526-0803

February 18, 1998
Job No. 70-738D

10TH STREET ABANDONMENT TO BLOCK 57

EXHIBIT A

BEING a 5 foot wide abandonment of Tenth Street lying between the northerly right-of-way of "J" Street and the southerly right-of-way of "K" Street (State Highway 108), the westerly line of said 5 foot abandonment being more particularly described as follows:

BEGINNING at the most easterly corner of BLOCK 57 as shown on that certain map filed for record on December 15, 1942 in Book 15 of Maps, Stanislaus County Records, Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, said corner also lying at the point of intersection of the northerly right-of-way of "J" Street, and the westerly right-of-way of Tenth Street; thence North 43°31'28" West along said westerly right-of-way of Tenth Street, a distance of 400.21 feet to the point of intersection with the southerly right-of-way of "K" Street, the POINT OF TERMINATION.

Containing 2001 square feet, more or less.

Roy A. Galli, R.C.E. 16024

REGISTERED PROFESSIONAL ENGINEER
ROY A. GALLI
No. 16024
Exp. 6-30-01
CIVIL
STATE OF CALIFORNIA

Land Planning • Engineering • Surveying

A Professional Corporation

900 "H" Street, Suite G • Modesto, CA 95354 • (209) 526-4214 • FAX (209) 526-0803

February 18, 1998
Job No. 70-738D

10TH STREET ABANDONMENT TO BLOCK 67

EXHIBIT A

BEING a 5 foot wide abandonment of Tenth Street lying between the northerly right-of-way of "J" Street and the southerly right-of-way of "K" Street (State Highway 108), the easterly line of said 5' abandonment being more particularly described as follows:

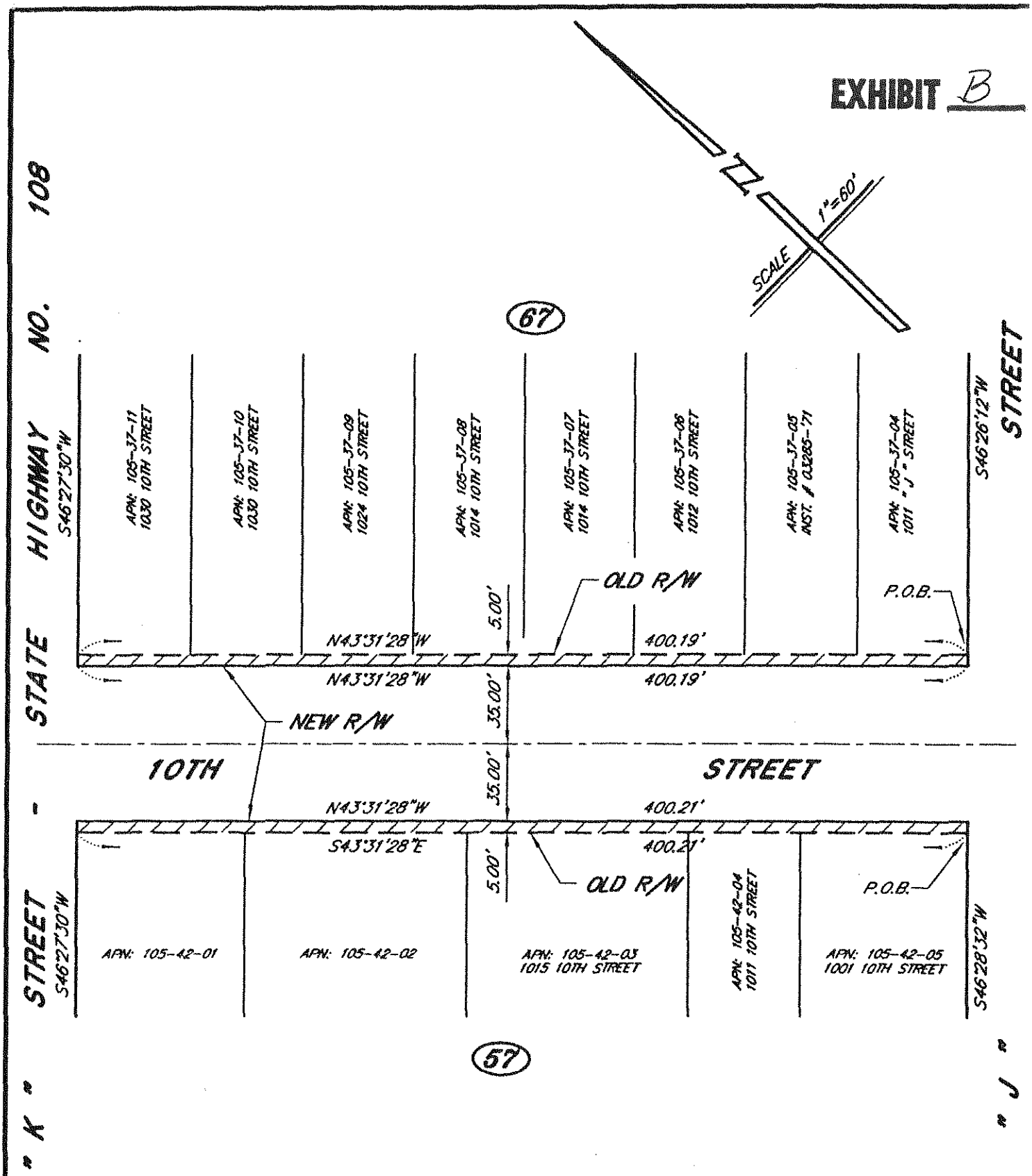
BEGINNING at the most southerly corner of Block 67 as shown on that certain map filed for record on December 15, 1942 in Book 15 of Maps, Stanislaus County Records, Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, said corner also lying at the point of intersection of the northerly right-of-way of "J" Street, and the easterly right-of-way of Tenth Street, thence North 43°31'28" West along said easterly right-of-way of Tenth Street, a distance of 400.19 feet to the point of intersection with the southerly right-of-way of "K" Street, the POINT OF TERMINATION.

Containing 2001 square feet, more or less.

Roy A. Galli, R.C.E. 16024

REGISTERED PROFESSIONAL ENGINEER
ROY A. GALLI
No. 16024
Exp. 6-30-01
CIVIL
STATE OF CALIFORNIA

EXHIBIT B



Drawn E.T.	**PLAT TO ACCOMPANY LEGAL DESCRIPTION 10TH ST. ABANDONMENT**	mid-valley engineering	FAX (209) 526-0803
Date 2-25-98		P.O. BOX 816, MODESTO, CALIFORNIA 95353 (209) 526-4214	SHEET 1. OF 1.
Scale 1"=60'			
Job No: 70-7380			
Dwg. ABANDON	CITY OF MODESTO, CALIFORNIA		

RESOLUTION OF INTENTION TO VACATE AND ABANDON

File 16.5-2

2	Clerk
2	Attorney
1	O&M
1	E&T
1	Dev. Services
1	Fire
1	Police
1	MID
1	PG&E
1	Pac Bell
12	

MID
General Services Manager
P. O. Box 4060
Modesto, CA 95352

PG&E
Marketing Department
1524 N. Carpenter Road
Modesto, CA 95351

Pacific Bell Engineering
Attention: Helen Hoskins
44 West Yokuts
Stockton, CA 95207

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-301

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

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

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

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

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

WHEREAS, the City Council has determined that further amendments to the "Policies and Procedures" are appropriate,

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

above, are hereby further amended as set forth below.

A. Paragraph 3.g.(2) on page 6 of the "Policies and Procedures" is hereby amended to read as follows:

> (2) Where CFD is Formed and Bonds are Issued. If the CFD is formed and bonds are issued, bond proceeds shall be used to defray all approved costs and expenses incident to the proceedings in construction of the public facilities, subject to approval of the CFD Formation Group in conjunction with Bond Counsel, and subject to any applicable restrictions contained in the Act as amended. With respect to applicant paid consultant costs, reimbursement shall be limited to those CFD-related consultant's hired by the City or those hired by the applicant and expressly approved by the City in writing. Eligibility for reimbursement of any otherwise-eligible expense is conditioned upon the applicant providing paid invoices therefor to the City, and the CFD Formation Group's approval thereof. The applicant shall not be entitled to reimbursement from bond proceeds for any of the following reasons: interest expense incurred by the applicant during the planning or design of construction (subject to exception for construction-related interest expense, set forth below) of the public improvements and any other costs and expenses incurred by the applicant which are not legally authorized for reimbursement, or as to which Bond Counsel has declined approval for reimbursement.

B. Paragraph 3.g. on pages 6 and 7 of the "Policies and Procedures" is hereby amended to include both subparagraph (4) and subparagraph (5):

> (4) Where CFD is Formed and Bonds are Not Issued. With respect to advance formation fees pursuant to Paragraph 3.u. on pages 11 and 12 of these Policies and Procedures, any portion of such fee/deposit not paid out or obligated for the direct or indirect costs of CFD formation by the CFD Formation Group, may be further obligated by the CFD Formation Group based on its good faith estimate of the cost, including consultant costs, and other reasonable incidental costs as defined in the Act that may be incurred in the administration of the CFD during the period of time following its formation but prior to the City's receipt of sufficient annual maintenance special taxes to provide for appropriate administration of the CFD. The remaining fee/deposit not paid out or obligated for the direct or indirect

costs of the CFD formation or administration by the CFD Formation Group shall be returned to the applicant within five (5) business days after the CFD Formation Group presents its written accounting and good faith estimate. The accounting and good faith estimate shall be prepared within thirty (30) days after the CFD is formed.

(5) "Dollar for Dollar" Credit Against One-Time Facility Tax. Where the applicant makes a timely request that CFD formation costs be included in the cost of infrastructure for the purpose of computing taxes due under the Rate and Method of Apportionment and the final tax formulas, such CFD formation costs, including the initial fee/deposit, may be recovered by crediting such formation costs against facilities special taxes which would otherwise be due from the applicant from the time when such taxes would initially be due until the subject formation costs to be credited are exhausted by facilities special taxes incurred.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None.
ABSENT:	Councilmembers:	None.

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

DISTRIBUTION LIST FOR CFD RESOLUTIONS:

2 - City Clerk
1 - City Attorney's Office
1 - CDD
1 - Finance
1 - Jean Zahr
1 - Phil Testa
1 - Tina Rodriguez

Clerk

RESCINDED
Print
2001-11
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION

MODESTO CITY COUNCIL
RESOLUTION NO. 98-302

A RESOLUTION REVISING TIPPING FEES AT THE WASTE-TO-ENERGY STANISLAUS RESOURCE RECOVERY FACILITY, AND RESCINDING RESOLUTION NO. 97-318.

WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy facility which is owned by Ogden-Martin, Inc., and

WHEREAS, tipping fees are established to pay debt service, operation and maintenance costs and pass through costs, such as insurance, property taxes, and various permits and fees that are incurred by Ogden Martin Systems of California, as provided for in a Service Agreement, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the Contracting Communities, the City of Modesto and the Stanislaus County, and

WHEREAS, on May 5, 1998, the Board of Supervisors approved a tipping fee increase at the Waste-to-Energy Facility, and

WHEREAS, the Council of the City of Modesto is required to hold a public hearing prior to setting tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee has discussed a $2.75 per ton increase in the tipping fees at the Facility and has recommended approval of said increase in the tipping fee, and City staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be increased from the present $37.50 per ton to $40.25 per ton, effective July 1, 1998, and

WHEREAS, the 9th day of June, 1998, at 4:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for consideration of an increase in tipping fees at the Waste-to-Energy facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council approves an increase in the tipping fee at the Waste-to-Energy Facility from the present $37.50 per ton to $40.25 per ton, effective July 1, 1998.

BE IT FURTHER RESOLVED that Resolution No. 97-318 is hereby rescinded effective June 30, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-303

A RESOLUTION ACCEPTING THE BID OF PACIFIC MOBILE STRUCTURES INC. FOR THE PROJECT TITLED "REMOTE PONDS MODULAR BUILDING"

WHEREAS, the bids received for Remote Ponds Modular Building were opened at 11:00 a.m. on May 26, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Pacific Mobile Structures Inc. in the amount of $64,967.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $64,967.00 from Pacific Mobile Structures be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-304

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL MASTER ENVIRONMENTAL IMPACT REPORT (SCH 96042009) RELATING TO THE APPROVAL OF THE WASTEWATER MASTER PLAN: AWARDING A CONTRACT TO PACIFIC MOBILE STRUCTURE, INC. FOR THE REMOTE POND MODULAR BUILDING PROJECT.

WHEREAS, on May 27, 1997, by Resolution No. 97-290, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (" EIR") (SCH 96042009) for the WasteWater Master 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 an 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 Engineering and Transportation Department by Environmental Assessment Initial Study, reviewed the proposed Installation of a Modular Building at the Secondary Treatment Facility located at 7007 Jennings Road to accommodate support staff for Operations, to determine whether the project is within the scope of the project covered by the WasteWater Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the

Master EIR; and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on June 9, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the Remote Pond Modular Building 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 within the scope of the Master Plan covered by the WasteWater Master Plan Master Environmental Impact Report.

2. That the City is the lead agency identified in that report.

3. That the project will have no additional significant effect on the environment, as defined in Section 21158(d) of the Public Resources Code.

4. That accordingly, the project does not require a new environmental impact document or findings pursuant to Public Resources Code Section 21081.

5. That all feasible mitigation measures or feasible alternatives set forth in the Master Environmental Impact Report appropriate to the project have been incorporated into the project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

TO RESOLUTION NO. 98-304

City of Modesto
Initial Study

Installation of a Modular Building at the Secondary Treatment Facility located at 7007 Jennings Road, to accommodiate support staff for Operations and Maintenance.

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Wastewater Master EIR (SCH No. 96042009), adopted May 27, 1997, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

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

II. PROJECT DESCRIPTION

A. Project title:

Repair and Upgrade Ponds Control Building

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:

Dean Phillips, Engineering & Transportation Department, (209) 577-5260

D. Project Location:

Secondary Treatment Facility - 7007 Jennings Road

E. Project sponsor:

City of Modesto, P.O. Box 642, Modesto, CA. 95353

F. General Plan Designation:

Residential

G. Zoning:

Residential (R-1)

H. Description of Proposed Project:

A new modular building (1,440 square feet) will be installed adjacent to the existing Control Building.

I. Surrounding land uses:

The project is bounded to the North and West by wastewater oxidation ponds. To the East is maintenance buildings and to the South is the Operations Control Building.

J. Other public agencies whose approval is required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

The Modular Building installation proposes development consistent with the Wastewater Master Plan designation of Residential for this site. Therefore, the traffic impacts of this project are consistent with those contained in the Wastewater Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages VI-2 through VI-21) are therefore still valid.

B. Degradation of Air Quality

The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages VI-22 through VI-37) are therefore still valid.

C. Generation of Noise

Because the proposed use is consistent with the Wastewater Master Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. The project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages VI-38 through VI-39) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in a developed portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages VI-40 through VI-50) are therefore still valid.

E. Increased Demand for Water Supplies

The proposed project will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages VI-51 through VI-57 are therefore still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (page VI-58) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a developed area and is not located in a Potential Biological Resource Study Area, as presented in the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages VI-59 through VI-70) are therefore still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. The Jennings Road Plant discussion on page VI-79 of the MEIR identifies the protected Archaeological Site CA-STA-000164 near the proposed construction area. It also states that no other archaeological site or historic resources were noted. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages VI-71 through VI-77) are therefore still valid.

I. Drainage, Flooding and Water Quality

Because the project is consistent with the Wastewater Master Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages VI-78 through VI-92) are therefore still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages VI-93 through VI-99) are therefore still valid.

K. Increased Demand for Parks and Open Space

This commercial development will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages VI-100 through VI-107) are therefore still valid.

L. Increased Demand for Schools

This commercial development will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (page VI-108) are therefore still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (page VI-109) are therefore still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the Wastewater Master Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages VI-110 through VI-115) are therefore still valid.

O. Generation of Solid Waste

This project will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (page VI-116) are therefore still valid.

P. Generation of Hazardous Materials

This proposed use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages VI-117 through VI-129) are therefore still valid.

Q. Landslides and Seismic Activity

This use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages VI-130 through VI-137) are therefore still valid.

R. Energy

This use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (page VI-138) are therefore still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Modular Building is within the scope of the Wastewater Master EIR (SCH No. 96042009) which analyzed the potential impacts of buildout of the Baseline Developed Area, including modular office installation within in this area.

B. No additional significant environmental effects will occur as a result of the proposed modular building, that were not previously examined in the Wastewater Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed modular building, that were not previously considered in the Wastewater Master EIR.

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

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

Signature:

Dean J. Phillips,
Associate Civil Engineer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-305

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO PURCHASE PRODUCTS OFF THE STATE OF CALIFORNIA'S MULTIPLE AWARD SCHEDULES (CMAS) PROGRAM

WHEREAS, the State of California Procurement Division's California Multiple Award Schedules (CMAS) Program has established comprehensive contracts which provide government agencies numerous choices for making the best value procurements in a reduced time frame.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that utilization of the CMAS program be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-306

A RESOLUTION APPROVING THE POLICY ENTITLED "POLICY REGARDING EXTENSION OF WATER SERVICE INTO UNINCORPORATED AREAS"

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the policy regarding extension of water service into unincorporated areas be, and it is hereby approved.

NOW, THEREFORE, BE IT RESOLVED that the Policy Regarding Extension of Water Service Into Unincorporated Areas, a copy of which is attached hereto, rescind and replace Policy 5.001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: _____
JUDY C. HALL, Acting City Clerk

City of Modesto
City Council
Policy

Effective Date: 2/11/59
Policy No.: 5.001
City Department: Public Works

Subject: Extension of Water Service into Unincorporated Areas

Purpose:
This policy clarifies the City's position on the extension of water service into unincorporated areas and designates specific conditions that are required of such service extensions which are in the best interest of the City.

Background:
The extension of City water service into unincorporated areas allows development outside of the City limits and outside the Modesto Municipal Sewer District. For areas within the City's Sphere of Influence, this development is contrary to the objectives stated in the General Plan. The Modesto Urban Area General Plan, Community Growth Strategy, includes the following urban growth objectives:

(1) Urban growth should be directed, as long as economically feasible, to areas currently served with City services.
(2) Residential growth and development within the Modesto Urban Area General Plan shall take place only following annexation to the City.

These objectives are strengthened by the County's General Plan Goal 5 which directs the County to approve only that development which complements the general plans of cities within the County. In addition, the County is required to obtain approval from the adjacent city prior to discretionary development approval and, in the event of a conflict with development standards, the city's standards shall govern.

Also, the Modesto Municipal Code §11-1.05(b) states, in part: "...In considering applications for furnishing water service to property located outside the City limits, the City Manager may impose such reasonable conditions to the granting of such privilege as the City Manager deems to be in the best interest of the City. The City Manager shall establish the conditions and the City Council shall approve said conditions from time to time by resolution." This City Council policy is adopted to establish the conditions whereby the City may approve the extension of water service into unincorporated areas.

For those areas outside the Sphere of Influence and inside the former Del Este service area, the extension of water service should be approved only on a case-by-case basis as stated in Item 2 below.

Policy:
It is the policy of the City of Modesto that urban development occur within the City limits and within the Modesto Municipal Sewer District No. 1 ("Sewer District") by City building permit rather than

Legislative History
Res. Updating - 98-306

in the unincorporated fringe. For properties within the Sphere of Influence and outside the Sewer District, where annexation is not imminent, such development should be considered premature and water service should not be extended to the property. For properties outside the Sphere of Influence, approval shall be given on a case-by-case basis as stated below.

1. Property outside the City Limits, outside the Sewer District and inside the Sphere of Influence

   Extension of water service to properties outside the City Limits, outside the Sewer District and inside the Sphere of Influence shall only be approved when annexation of the property is completed.

2. Property outside the City Limits, outside the Sphere of Influence and inside, contiguous to and near the former service area of Del Este Water Company

   Water service extensions may be approved by the City on a **case-by-case basis** to properties located outside the City Limits, outside the Sphere of Influence and inside, contiguous to and near the former service area of Del Este Water Company. This approval may be granted when all of the following conditions are met:

   a. The development has been authorized by the appropriate land use agency.

   b. The property is within the former Del Este service area or is contiguous to and near the former Del Este service area.

   c. It is reasonable for the City to extend the water service based on a plan to pay for service extension costs, the quantity of water used, the type of water use and the overall impact on the water system.

3. The City Manager is authorized to approve water service extensions that are consistent with the policy.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-307

A RESOLUTION APPROVING THE ALIGNMENT OF THE TUOLUMNE BOULEVARD EXTENSION AND RECOMMENDATIONS OF THE TUOLUMNE RIVER REGIONAL PARK CITIZENS COMMITTEE AND CITY COUNCIL TRANSPORTATION POLICY COMMITTEE AS PART OF THE MODESTO RAILROAD TRACK CONSOLIDATION PROJECT

WHEREAS, the Tuolumne River Regional Park Citizens Committee and the City Council Transportation Policy Committee have discussed recommendations concerning the alignment of the Tuolumne Boulevard extension as part of the Modesto Railroad Track Consolidation Project, and

WHEREAS, the recommendations of the Tuolumne River Regional Park Committee and Transportation Policy Committee are as follows:

1. Prohibiting commercial trucks weighing 10,000 pounds or more onto the Tuolumne Boulevard Extension.

2. Reduction of the four-lane Boulevard to two lanes after the 9th Street undercrossing heading northeast toward Morton Boulevard to encourage traffic onto the 9th Street ramps.

3. Design of roadway landscaping of both sides of the Boulevard, and if finances allow, the construction of landscaping on both sides of the Boulevard.

4. Prohibit borrowing dirt from the park area to make grade for the roadway.

5. Negotiate for the future abandonment of certain portions of 10th, 11th, 12th, and B Streets and realignment of 10th Street.

6. Authorize staff to proceed with accepting dedication of land from the Tuolumne River Regional Park Committee.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the alignment of Tuolumne Boulevard Extension, as recommended be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-308

A RESOLUTION CERTIFYING REVIEW OF A NEGATIVE DECLARATION FOR AN ALIGNMENT OF THE TUOLUMNE BOULEVARD EXTENSION.

WHEREAS, City staff has recommended approving the alignment of theTuolumne Boulevard extension, authorizing staff to proceed with the acceptance of dedication of land from the Tuolumne River Regional Park ("TRRP") Advisory Committee, and endorsing recommendations from the TRRP Advisory Committee and staff,

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by City staff.

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

SECTION 3. The Engineering and Transportation Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination as required by California law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
NOTICE OF DETERMINATION

Filed with Stanislaus County Clerk

94 FEB -9 AM 9:32

KAREN MATHEWS, COUNTY CLERK

BY Brenda Scudder DEPUTY

To: Stanislaus County Clerk

From: City of Modesto

Subject: Notice of Determination, Environmental Review

E.A. No. 93-27

Project Title Modesto Track Consolidation Project
State Clearinghouse Number (If submitted to State Clearinghouse) 93082072
Contact Person — Telephone Number Douglas Carmody — 577-5429
Project Location Stanislaus and San Joaquin Counties
Project Description: This project proposes to relocate a portion of the UPRR line operations to the SP right-of-way beginning in Lathrop and extending to southern Modesto with 2 railroad grade separations in the City of Modesto

This is to advise that the City of Modesto has made the following determinations regarding the above described project:

1. The project has been [X] approved [ ] disapproved
   Agency City Council
   Resolution No. 94-71
   Date February 1, 1994

2. The project [ ] will [X] will not have a significant effect on the environment. 3/2/93 EA

3. [ ] An Environmental Impact report was prepared for this project pursuant to the provisions of CEQA and was certified by the decision-making body. A copy is available for inspection in the office of Planning and Community Development, City Hall, Modesto, and in the office of the City Clerk, City Hall, Modesto.

   [X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A copy of the Negative Declaration is available for inspection in the office of Planning and Community Development, City Hall, Modesto, and in the office of the City Clerk, City Hall, Modesto.

4. Findings of Significant Effect and Mitigating Measures
   [ ] Statement attached
   [X] Not applicable

5. A Statement of Overriding Considerations [ ] was [X] was not adopted for this project.

Date Received for Filing
FEB - 9 1994

William Nichols
Signature

93-27

Federal Highway Administration
Finding of No Significant Impact
for
Construction of the Modesto Railroad
Relocation and Grade Separation
Demonstration Project (DE0016(801))

The FHWA has determined that this project will not have any significant impact on the human environment. It has been determined that there is no practicable alternative to the proposed construction in wetlands and that the proposed action includes all practicable measures to minimize harm to the wetlands. This finding of no significant impact is based on the attached environmental assessment, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the environmental issues and impacts of the proposed project. It provides sufficient evidence and analysis for determining that an environmental impact statement is not required. The FHWA takes full responsibility for the accuracy, scope, and content of the environmental assessment.

11/24/93
Date

for Ronald E. Brown
Roger Borg, Division Administrator

DIVISION

Corrected 9/15/98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-309

Print

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 1998-99.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 7th day of July, 1998, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

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 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 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Clerk 18

Corrected 9/18/98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-309

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

Corrected 9-15-98

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 1998-99.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 7th day of July, 1998, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

Corrected 9-15-98

Corrected 9/15/98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-310

Print

A 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 UNITS 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 1998-99.

2. There are no substantial changes in the improvements, specifically within the existing Landscape Maintenance Assessment District No. 2, there is a parcel which has been subdivided per Creekwood Meadows Subdivision. This has increased the number of residential lots within the District from 418 lots to 514 lots. Also, there have been several parcel maps recorded which have increased the number of commercial parcels from 2 to 6 in

Dry Creek Meadows Subdivisions Nos. 7-10 and Creekwood Meadows Subdivision and that the existing improvements to be made in said assessment district are generally described as follows:

> The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:
>
> a. Street medians in Creekwood Drive
>
> b. Areas adjacent to the access control walls along Creekwood Drive
>
> c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 7th day of July, 1998, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

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.

Clerk

9-15-98 Corrected

MODESTO CITY COUNCIL
RESOLUTION NO. 98-310

A 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 UNITS 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

9-15-98 Corrected

a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 1998-99.

2. There are no substantial changes in the improvements, specifically within the existing Landscape Maintenance Assessment District No. 2, there is a parcel which has been subdivided per Creekwood Meadows Subdivision. This has increased the number of residential lots within the District from 418 lots to 514 lots. Also, there have been several parcel maps recorded which have increased the number of commercial parcels from 2 to 6 in Dry Creek Meadows Subdivisions Nos. 7-10 and Creekwood Meadows Subdivision and that the existing improvements to be made in said assessment district are generally described as follows:

9-15-98 Corrected

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive

b. Areas adjacent to the access control walls along Creekwood Drive

c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 7th day of July, 1998, at the hour of 7:00 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California.

6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-311

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MODESTO AND VANIR CONSTRUCTION MANAGEMENT INC. FOR THE 10TH STREET PLACE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the professional services agreement between the City of Modesto and Vanir Construction Management Inc. for the 10th Street Place Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy CJ Hall
JUDY CJ HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-312

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND U.S. FISH AND WILDLIFE SERVICE AND THE NATURE CONSERVANCY FOR THE VERNAL POOL FEE TO MITIGATE THE INCIDENTAL TAKE OF ENDANGERED VERNAL POOL SPECIES AS A RESULT OF THE AMTRAK STATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and U.S. Fish and Wildlife Service and the Nature Conservancy for the Vernal Pool Fee to mitigate the incidental take of endangered vernal pool species as a result of the Amtrak Station Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy G. Hall
JUDY G. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-313

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE LEAGUE OF WOMEN VOTERS OF MODESTO FOR USE OF ROOM 104 AT THE MODESTO COMMUNITY SERVICE CENTER AT 800 EAST MORRIS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the League of Women Voters of Modesto for use of Room 104 at the Modesto Community Service Center at 800 East Morris Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-314

A RESOLUTION CREATING A NEW HISTORIC BUILDINGS ACQUISITION AND DEACCESSIONING POLICY, RESCINDING POLICY NO. 6.010 AND RESCINDING RESOLUTION NO. 73-682.

WHEREAS, on August 6, 1973, the City Council of the City of Modesto, by Resolution No. 73-682, adopted a policy entitled "Items Donated or Loaned to the McHenry Museum", and

WHEREAS, the Master Plan for Cultural Activities and Historical Buildings includes an addendum entitled "Acquisition and Deaccessioning Criteria and Procedures for Artifacts in Historical Buildings", and

WHEREAS, over the years a number of artifacts have been accumulated that have never been displayed due to their condition or for not meeting the scope of the collection criteria as well as the acquisition of superior artifacts, and

WHEREAS, such artifacts are currently disposed of by selling them, and

WHEREAS, such artifacts have not been deaccessioned because of the negative feelings which would be generated by selling off "the family treasures" which have been entrusted to the City, and

WHEREAS, the sale of current artifacts would also have an adverse effect concerning future donations since there would be hesitation in donating items when the possibility exists that artifacts could be sold, and

WHEREAS, after meeting with both the McHenry Museum & Historical Society and the McHenry Mansion Foundation boards, City staff recommended a change in the policy to allow artifacts to be returned to the donor or his/her heirs, and

WHEREAS, on September 17, 1997, said recommendation was considered and approved by the Human Services Committee, and

WHEREAS, in addition, City staff has recommended that City Council Policy No. 6.010 entitled "Items Donated or Loaned to the McHenry Museum" be rescinded, and

WHEREAS, City staff has also recommended that the addendum to the Master Plan for Cultural Activities and Historical Buildings entitled "Acquisition and Deaccessioning Criteria and Procedures for Artifacts in Historical Buildings" be amended to eliminate the Artifacts Policy Committee, and

WHEREAS, City staff also recommended a new policy entitled "Acquisition and Deaccessioning Criteria and Procedures for Artifacts in Historical Buildings", which policy is attached hereto as Exhibit "A",

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby rescinds City Council Policy No. 6.010 entitled "Items Donated or Loaned to the McHenry Museum".

BE IT FURTHER RESOLVED that Resolution No. 73-682, adopted on August 6, 1983, is hereby rescinded, effective the date this resolution is adopted.

BE IT FURTHER RESOLVED that the Council hereby approves an amendment to the addendum to the Master Plan for Cultural Activities and Historical Buildings entitled

EXHIBIT "A"

City of Modesto Policy No._____

ACQUISITION AND DEACCESSIONING CRITERIA AND PROCEDURES FOR ARTIFACTS IN HISTORICAL BUILDINGS

Purpose:

To establish criteria and procedures for acquiring and deaccessioning artifacts in historical buildings owned by the City of Modesto.

Policy:

Acquisition Criteria

1. McHenry Mansion: Objects must be within the proper time frame: 1883-1896 for Robert McHenry's period: 1896-1906 for Oramil McHenry's period. Certain pieces dated prior to 1883 may be included if it is determined that the McHenrys may have acquired those furnishings for a previous house.

   The objects must meet the needs of the house.

   The style of object should reflect the nature of the inhabitants--Robert McHenry, a conservative banker and rancher and Oramil McHenry, a successful businessman.

2. McHenry Museum: The McHenry Museum is dedicated to collect, preserve, study and exhibit those objects that will serve to illustrate the history of Stanislaus County and particularly the city of Modesto.

   The Museum will collect historically significant artifacts that depict the City's and County's unique past in terms of its Indian inhabitants, gold mining, exploration and settlements, agriculture and irrigation, business and industry, educational and cultural institutions, the impact of the railroad and the life style of its inhabitants. Objects must be consistent with the McHenry Museum Master Plan.

3. McClure House: (to be developed)

Acquisition Procedure

1. The determination regarding the acquisition of particular items shall be made by the City staff and the acquisition committee of the appropriate historical building support group based the acquisition/deaccessioning criteria established for the historical building.

2. When an historical artifact is offered for donation or loan, it will be determined by the City staff whether it meets the acquisition criteria established for the historical building.

3. When a historical object is located for possible purchase by an appropriate volunteer support group acquisition committee, it will be reviewed by the City staff to determine whether it meets the acquisition criteria established for the historical building and a recommendation submitted to the volunteer support group acquisition committee.

4. In case of a disagreement between City staff and a volunteer support group acquisition committee, the disagreement will be submitted to the Culture Commission for determination.

5. Staff will make a suitable report on all acquisitions to the appropriate volunteer support group acquisition committee and the Culture Commission.

6. All items accepted for use as historical artifacts will be catalogued and subject to the following deaccession criteria and procedure.

Rejection Procedure

1. Any historical item offered to any one city-owned historical building which does not meet that building's acquisition criteria should be offered to all other historical buildings subject to permission of the donor.

2. If the offered item does not meet the acquisition criteria for any City-owned historical building, the offer should be graciously declined.

Items Donated Specifically for Resale

Items donated specifically to a volunteer support group for resale will not be catalogued, but will be handled by the appropriate volunteer support group.

Deaccessioning Criteria

1. The determination regarding the deaccessioning of particular items shall be made by the City staff and the acquisition committee of the appropriate historical building support group based on the acquisition/deaccessioning criteria established for the historical building.

2. A catalogued item may be deaccessioned if it does not meet the acquisition criteria for the particular historical building.

3. A catalogued item may be deaccessioned if it will cost more to restore the object than to purchase a replacement in acceptable condition.

4. A catalogued item may be deaccessioned if it is a duplicate of another object in the collection and is not useful for educational programs or for study.

5. A catalogued item may be deaccessioned if it will be replaced with a more appropriate object.

6. A catalogued item may be deaccessioned if new historical information alters provenance or authenticity of the artifact.

7. A catalogued item of any historical building may be deaccessioned if the artifact is no longer suitable for that building. Determination to deaccession a catalogued item is to be made by City staff based on recommendations of the appropriate volunteer support group acquisition committee and acquisition/deaccessioning criteria established for the historical building. If a catalogued item to be deaccessioned meets the acquisition criteria of any other City-owned historical building, the other historical building shall have first opportunity to acquire the item.

8. Any original McHenry, Hogin or McClure family items accepted by, or presently owned by the city, will be placed in the appropriate City-owned historical building.

Deaccessioning Procedure

1. The initial decision to deaccession an object is to be made by the City staff based on the above criteria. The resale value of objects is to be established by independent resale appraisers.

2. In case of a disagreement between City Staff and a volunteer support group acquisition committee, the disagreement will be submitted to the Culture Commission for determination.

3. Staff will make a suitable report on all sales to the appropriate volunteer support group acquisition committee and the Culture Commission.

4. Money from the sale of a deaccessioned item shall be put in a City trust account for the appropriate historical building. The policy for the expenditure of these funds shall be determined by the appropriate volunteer support group acquisition committee.

5. As an option, in place of the sale of a deaccessioned item, that object can be given back to the original donor or his/her heirs. If they do not want it back, the artifact can then be sold according to the deaccessioning procedure.

"Acquisition and Deaccessioning Criteria and Procedures for Artifacts in Historical Buildings" to eliminate the Artifacts Policy Committee.

BE IT FURTHER RESOLVED that a new policy entitled "Acquisition and Deaccessioning Criteria and Procedures for Artifacts in Historical Buildings" attached hereto as Exhibit "A" is hereby adopted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-315

A RESOLUTION APPROVING SUBMISSION OF AN ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

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

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

WHEREAS, the City of Modesto's claim for fiscal year 1998-99 has been prepared in the amount of $3,611,397,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute the City of Modesto's Annual Transportation Claim on behalf of the City of Modesto, and that submission of the City of Modesto's Claim to the Stanislaus Area Association of Governments (SAAG) in the amount of $3,611,397 for fiscal year 1998-99 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-316

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO REMODEL A LARGER POLICE SHOP, EVIDENCE, PROPERTY STORAGE AND MAINTENANCE WORK AREAS

WHEREAS, the Operations & Maintenance Department is in need of a larger facility for the Police shop; and the Police Department must accommodate all current operations that are houses in buildings that will be demolished for the construction of a new police facility; and

WHEREAS, these funds will remodel Performance Tire to accommodate the needed expansion of the Police shop, house evidence and property for police cases and provide a work area for the maintenance needs of the police department.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures			
780 490 4912	223	Repair & Maintenance – Outside	(7,000)
780 700 7000	7010	T/O to General Fund	$ 7,000
10 190 1902	241	Communications Dispatch	(22,000)
10 190 1921	5465	11/G Remodel	$ 29,000
Revenue			
10 700 7000	9780	Transfer In from Fund 780	$ 7,000
720 480 5812	5472	11/G Remodel	$ 27,000
720 800 8000	8003	Contingency Reserve	(27,000)

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 9th day of June 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine B for
STAN FEATHERS, Budget Officer

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-317

A RESOLUTION APPROVING THE FINAL MAP OF OLYMPIC VILLAGE UNIT NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, L&L Venture, a Joint Venture Composed of Warren Smith Lawson Family, Inc., a California Corporation, and Rodney K. Lowe, Inc., a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 3.92 acres, known as Olympic Village Unit No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 1st day of July, 1996, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Olympic Village Unit No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts

determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-318

A RESOLUTION ACCEPTING THE BID OF MONZINGO CONSTRUCTION FOR THE PROJECT TITLED "CARPENTER ROAD WATERLINE"

WHEREAS, the bids received for Carpenter Road Waterline were opened at 11:00 on June 2, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $53,854.00 from Monzingo Construction Company be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98 - 319

Print

A RESOLUTION ESTABLISHING THE 1998-99 FISCAL YEAR APPROPRIATIONS LIMIT, INCLUDING THE PRICE AND POPULATION FACTORS TO BE USED IN THE CALCULATION

WHEREAS, adoption of the Fiscal Year 1998-99 budget requires that Council establish the price and population factors used in determining the City's Proposition 4 Appropriation Limit for that year; and

WHEREAS, Article XIIIB of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, the attached schedule shows the preferred price and population factors to be used and the appropriation limit with the recommended factors in calculating the limit are the price factor of "State growth in per capita income" and the population factor of "growth rate in Stanislaus County"; and

WHEREAS, a copy of said report is on file in the Office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appropriation limit and the price and population factors to be used in determining the 1998-99 appropriations limit is hereby established as set forth in the attached schedule.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahn
JEAN ADAMS, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

APPROPRIATION LIMIT CALCULATION

FISCAL YEAR 1998-99

FY 1997-98 Appropriation Limit		$163,248,769
Adjustment Factors		
Population:		
Modesto:	1.0103	
County:	1.0135	
Price:		
Per Capita Income (State)	1.0415	
Local non-residential new construction	Unavailable	
Total Adjustment Percentage	5.56%	
Annual Adjustment		$9,076,632
FY 1998-99 Appropriation Limit		$172,325,401

Print

MODESTO CITY COUNCIL

RESOLUTION NO. 98-320

A RESOLUTION AMENDING THE 1997-98 BUDGET ADJUSTING APPROPRIATIONS AND RE-ESTIMATING REVENUE AND ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 1999

WHEREAS, after financial analysis has been completed, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1997-98; and

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1998-99 Fiscal Year has been submitted to the City Council by the City Manager and the City Council has made such revisions as it has deemed advisable; and

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget; and

WHEREAS, copies of the proposed budget have been and are available for inspection by the public at the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the adjusted appropriations and re-estimating revenue as indicated in the 1998-99 City of Modesto Proposed Budget is hereby adopted as the budget for fiscal year ending June 30, 1999; and that several amounts stated therein as proposed expenditures and revenues are hereby appropriated for the various objects therein described.

NOW, THEREFORE, BE IT RESOLVED that the capital projects carried over from Fiscal Year 1997-98 are hereby reappropriated as a part of the budget for the Fiscal Year 1998-99;

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahn
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

ATTACHMENT - D
Cultural Services Allocation

	FY98/99
Modesto relays	5,000
4th of July Celebration	15,000
Mod Symphony	9,000
Mod Performing arts	6,000
Mod Civic Theatre	3,000
Central Calif Art League	1,250
Hispanic Chamber	5,000
Townsend Opera Players	5,500
International Festival	5,000
Downtown arts projects	3,500
Community Concert Assn.	1,250
Y.E.S.	1,400
Central West Ballet	4,500
MoBand	3,350
Sylvan Village Dancers	500
Na Ohana O Ke Awawa	500
Center Stage	250
Total Allocation	70,000

Allocation of adopted $65,000 Cultural Services by FPC on 5/26/98 with the recommendation of an additional $5,000 to be funded by General Fund.

Schedule I
FY97-98 Fourth Quarter & FY 98-99 Adoption
Detail Budget Transactions

			Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Current Budget ($)	Adjustment Amount ($)	Revised Budget ($)
1				**FY97-98**							
2											
3	1	97-98	Revenue	UTILITY USERS TAX	010	510	9510	1204	10,806,760	50,000	10,856,760
4		97-98	Revenue	BEYER PARK CONCESSION	010	450	4522	1325	16,575	(15,275)	1,300
5		97-98	Revenue	BICYCLE LICENSE	010	190	1921	2101	8,000	(1,893)	6,107
6		97-98	Revenue	DOG LICENSE	010	190	1964	2104	123,000	(42,674)	80,326
7		97-98	Revenue	BINGO PERMITS	010	190	1901	2204	0	500	500
8		97-98	Revenue	REMOVAL PERMITS	010	420	4213	2207	3,000	(1,500)	1,500
9		97-98	Revenue	STRT CLOSURE & ABANDONMENT FEI	010	410	4112	2213	0	2,000	2,000
10		97-98	Revenue	MOTOR VEHICLE LICENSE FEES	010	510	9510	3119	7,325,000	50,000	7,375,000
11		97-98	Revenue	POLICE TRAINING REIMB-POST	010	190	1921	3128	92,250	57,750	150,000
12		97-98	Revenue	STATE GRANT-PARKS&RECREATION	010	470	4712	3134	20,000	(20,000)	0
13		97-98	Revenue	USED MOTOR OIL GRANT	010	480	4802	3141	137,077	(137,077)	0
14		97-98	Revenue	DEPT OF CONSERVATION GRANT	010	480	4802	3143	63,175	(63,175)	0
15		97-98	Revenue	TRAFFIC SAFETY PROGRAM GRANT	010	190	1966	3176	292,300	(7,300)	285,000
16		97-98	Revenue	UNIVERSAL HIRING GRANT	010	190	1963	3177	1,300,000	(652,760)	647,240
17		97-98	Revenue	COUNTY VEHICLE THEFT ALLOC	010	190	1941	3312	194,700	(96,001)	98,699
18		97-98	Revenue	FEDERAL GRANT-TROOPS TO COPS	010	190	1941	3501	0	80,440	80,440
19		97-98	Revenue	FEDR GRANT-LOCAL LAW ENFORCE	010	190	1980	3506	576,496	(436,496)	140,000
20		97-98	Revenue	SCHOOL POLICE REIMB	010	190	1921	3727	167,542	(27,283)	140,259
21		97-98	Revenue	REIMB SCHOOL SERVICES OT	010	190	1921	3728	5,000	1,819	6,819
22		97-98	Revenue	D.A.R.E. REIMBURSEMENT	010	190	1921	3729	60,725	(25,201)	35,524
23		97-98	Revenue	BUILDING FEE- ALL INCLUSIVE	010	140	1401	4001	351,500	(110,000)	241,500
24		97-98	Revenue	PLAN CHECKING FEES	010	140	1401	4007	358,400	(121,900)	236,500
25		97-98	Revenue	ZONING FEES	010	140	1401	4008	60,600	(15,000)	45,600
26		97-98	Revenue	ENVIRONMENTAL IMPACT FEES	010	140	1401	4009	21,382	(2,000)	19,382
7		97-98	Revenue	SEX/DRUG/ARSON REGISTRATION FE	010	190	1921	4020	4,000	(1,170)	2,830
28		97-98	Revenue	ANIMAL SHELTER FEES	010	190	1964	4022	6,900	(6,400)	500
29		97-98	Revenue	FINGERPRINT FEES	010	190	1921	4024	20,000	(11,718)	8,282
30		97-98	Revenue	CONTRACT POLICE SERVICES	010	190	1921	4025	20,000	(1,828)	18,172
31		97-98	Revenue	CONTRACT POLICE SERVICES	010	190	1961	4025	0	3,598	3,598
32		97-98	Revenue	MOBILE DATA TERMINAL RENTAL	010	190	1901	4027	22,000	(10,240)	11,760
33		97-98	Revenue	VEHICLE RELEASES-PD	010	190	1961	4028	135,000	(107,034)	27,966
34		97-98	Revenue	SAFETY RESPONSE REIMB	010	190	1961	4029	43,000	(8,407)	34,593
35		97-98	Revenue	REPOSITION RELEASE	010	190	1921	4030	3,000	(1,181)	1,819
36		97-98	Revenue	FALSE ALARM RESPONSE FEE	010	190	1961	4043	44,000	(290)	43,710
37		97-98	Revenue	JAIL BOOKING FEE RECOVERY	010	190	1901	4045	40,000	(5,000)	35,000
38		97-98	Revenue	ST HIWAY MAINTENANCE AGREEMEN	010	460	4612	4051	55,000	(13,500)	41,500
39		97-98	Revenue	TRAF SIGNAL MAINT AGREEMENT	010	160	1612	4052	30,534	(12,085)	18,449
40		97-98	Revenue	DEVELOPER'S SHARE OF PROJECT	010	140	1430	4058	20,000	(14,000)	6,000
41		97-98	Revenue	TRAF SIGNAL MAINT - CERES	010	160	1612	4059	26,614	(12,771)	13,843
42		97-98	Revenue	CONTRACT TREE WORK	010	470	4712	4064	5,525	4,000	9,525
43		97-98	Revenue	PARKS RESERVATION FEES	010	450	4522	4066	0	16,115	16,115
44		97-98	Revenue	MISCELLANEOUS RECREATION	010	370	3712	4074	70,913	(2,000)	68,913
45		97-98	Revenue	REVENUE BOND ADMIN FEES	010	510	9510	4091	109,566	(109,566)	0
46		97-98	Revenue	COPYING FEES	010	190	1921	4092	105,000	(6,891)	98,109
47		97-98	Revenue	COPYING FEES	010	510	9510	4092	16,725	(7,851)	8,874
48		97-98	Revenue	CITY BILLING FEES	010	120	1223	4093	180,000	(30,000)	150,000
49		97-98	Revenue	CITY BILLING FEES	010	510	9510	4093	3,630	(3,630)	0
50		97-98	Revenue	MISC SPECIAL SERVICE	010	310	3115	4095	69,348	(20,940)	48,408
51		97-98	Revenue	INDIRECT COST RECOVERY	010	510	9510	4908	3,371,634	(100,000)	3,271,634
52		97-98	Revenue	PARKING FINES	010	510	9510	7113	295,907	35,000	330,907
53		97-98	Revenue	SEIZED FORFEITURES	010	190	1901	7202	10,500	12,742	23,242
54		97-98	Revenue	SEIZED FORFEITURES	010	190	1961	7202	9,000	(9,000)	0
5		97-98	Revenue	WASTE ENERGY PROJECT RECOVERY	010	480	4802	8103	25,000	(25,000)	0
56		97-98	Revenue	SALE OF PERSONAL PROPERTY	010	510	9510	8104	13,000	(13,000)	0
57		97-98	Revenue	REFUNDS AND DAMAGE RECOVERY	010	190	1901	8122	3,000	(2,000)	1,000
58		97-98	Revenue	ITEMS FOR RESALE	010	180	1832	8143	6,000	(6,000)	0
59		97-98	Revenue	ITEMS FOR RESALE	010	310	3112	8143	1,000	(1,000)	0
60		97-98	Revenue	ITEMS FOR RESALE	010	370	3769	8143	10,000	(10,000)	0

Schedule I
FY97-98 Fourth Quarter & FY 98-99 Adoption
Detail Budget Transactions

			Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Current Budget ($)	Adjustment Amount ($)	Revised Budget ($)
61		97-98	Revenue	MISCELLANEOUS REVENUE	010	190	1901	8155	0	7,000	7,000
62		97-98	Revenue	MISCELLANEOUS REVENUE	010	190	1921	8155	0	7,215	7,215
63		97-98	Revenue	MISCELLANEOUS REVENUE	010	190	1969	8155	47,000	(47,000)	0
64		97-98	Revenue	MISCELLANEOUS REVENUE	010	510	9510	8155	441,000	(74,970)	366,030
65		97-98	Revenue	OES FLOODS '97	010	190	1961	8171	0	25,015	25,015
66		97-98	Appropriation	Transfer to 660	010	701	7001	7660	479,500	(1,500)	478,000
67		97-98	Appropriation	Transfer to 670	010	700	7000	7670	558,740	34,000	592,740
68		97-98	Appropriation	Transfer to 943	010	700	7000	7943	367,775	(183,775)	184,000
69		97-98	Appropriation	Transfer to 010	040	700	7000	7010	517,816	(116,154)	401,662
70		97-98	Revenue	Transfer from 010	660	701	7001	9010	479,500	(1,500)	478,000
71		97-98	Revenue	Transfer from 010	670	700	7000	9010	558,740	34,000	592,740
72		97-98	Revenue	Transfer from 010	943	700	7000	9010	367,775	(183,775)	184,000
73		97-98	Revenue	Transfer from 040	010	700	7000	9040	517,816	(116,154)	401,662
74		To match revenues and transfers for FY97-98 to best estimates.									
75											
76											
77	2	97-98	Revenue	Transfer from 660	130	701	7001	9660	686,440	(686,440)	0
78		97-98	Appropriation	Transfer to 130	660	701	7001	7130	686,440	(686,440)	0
79		Accrued in FY96-97 the full interfund advance was not needed for capital outlay. No repayment is contemplated.									
80		This adjustment eliminates the planned repayment.									
81											
82											
83	3	97-98	Appropriation	Direct Loans	117	140	1458	0497	1,111,325	145,701	1,257,026
84		97-98	Appropriation	Direct Loans	113	140	1454	0497	446,831	42,541	489,372
85		97-98	Appropriation	Service Credits	113	140	1456	9990	(46,352)	(2,556)	(48,908)
86		97-98	Appropriation	Svc, Prof & Other	113	140	1452	0235	20,000	(4,528)	15,472
7		97-98	Appropriation	CDBG - Temp Relocations	113	140	1456	0497	35,000	(7,000)	28,000
88		97-98	Appropriation	Sisk Road Landscaping	113	140	J___	6040	0	7,000	7,000
89		This adjustment is for re-appropriation and re-estimating grant carryover revenue. This will also create a new CIP project for									
90		Sisk Road Landscaping.									
91											
92											
93	4	97-98	Appropriation	Interest Expense	623	120		0452	1,946,354	575	1,946,929
94		97-98	Appropriation	Interest Expense	713	120	1242	0452	6,788	476	7,264
95		97-98	Appropriation	Principal Retirement	713	120	1235	0451	178,191	(8,375)	169,816
96		97-98	Appropriation	Interest Expense	713	120	1235	0452	0	24,924	24,924
97		97-98	Appropriation	Principal Retirement	710	120	1252	0451	17,600	(1,728)	13,762
98		97-98	Appropriation	Interest Expense	710	120	1235	0452	0	1,728	1,728
99		Now that actual payments and accrued amounts are known, an adjustment is necessary to match the capitalized leases and debt service									
100		to these amounts.									
101											
102											
103	5	97-98	Appropriation	Symphony Place	010	140	1421	1600	14,000	(5,188)	8,812
104		Redev Inc. paid for Symphony Place; however, the project for Symphony Place will not be competed by the end of FY97-98.									
105		The department has estimated amount to be spent in FY97-98 and the amount to be carried over to FY98-99.									
106											
107											
108	6	97-98	Appropriation	Transfer to 070	143	700	7000	7070	0	1,060	1,060
109		97-98	Revenue	Transfer from 143	070	700	7000	9143	0	1,060	1,060
110		To provide the required match for the City of Modesto Ride share program budgeted in 070-160-H922, the project requires an 11% match,									
111		and is ineligible for Gas Tax funding. This adjustment provides the match with CFF Air Quality Funds.									
112											
113											
114	7	97-98	Appropriation	Transfer to 010	132	701	7001	7010	40,000	44,000	84,000
5		97-98	Revenue	Transfer from 132	010	701	7001	9132	40,000	44,000	84,000
6		Increase loan repayment based on availability of CFF Fire fund to repay. This also adjusts budget line to match proposed budget proformas.									
117											
118											

Schedule I
FY97-98 Fourth Quarter & FY 98-99 Adoption
Detail Budget Transactions

			Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Current Budget ($)	Adjustment Amount ($)	Revised Budget ($)
119	8	97-98	Revenue	Transfer from 130	140	701	7001	9130	186,000	(186,000)	0
120		97-98	Revenue	Sale of Real Property	140	510	9510	8101	200,000	594,708	821,294
121		97-98	Appropriation	Transfer to 130	140	701	7001	7130	0	369,000	369,000
122		97-98	Revenue	Transfer from 140	130	700	7000	9140	0	369,000	369,000
123		97-98	Appropriation	Transfer to 140	130	701	7001	7140	186,000	(186,000)	0
124		97-98	Appropriation	Interest	130	510	9510	6101	1,604,001	26,587	1,630,588
125		To repay fund 130 for loan made in FY96-97, reduce 97-98 budgeted loan to 0, and to estimate revenue from Modesto City Schools									
126		due to land acquisition payoff paid prior to original schedule. Interest of $26,587 was paid to fund 130 directly,									
127		only the principal amount was recorded in fund 140.									
128											
129											
130	9	97-98	Revenue	Transfer from 051	070	700	7000	9051	700,000	(100,000)	600,000
131		97-98	Revenue	LTF allocation	051	510	9510	1213	1,421,436	(100,000)	1,321,436
132		97-98	Appropriation	Transfer to 070	051	700	7000	7070	700,000	(100,000)	600,000
133		To decrease the budgeted transfer by $100,000 in FY 97-98, and increase the budgeted transfer in FY98-99. This transfer was originally									
134		increased in FY 98-99; however, the SAAG claim was not adjusted during the year to account for the increased transfer,									
135		therefore the transfer could not be made. This adjustment postpones the budgeted transfer until FY 98-99.									
136											
137											
138	10	97-98	Revenue	Transfer from 010	260	701	7001	9010		20,000	
139		97-98	Appropriation	Outside Services	260			0235	0	20,000	20,000
140		97-98	Appropriation	Transfer to Village One CFD	010	701	7001	7260	0	20,000	20,000
141		To establish a $20,000 loan to the Village One Community Facility Fee District Fund from the General Fund to provide financing for									
142		Village One Administrative costs.									
143											
144											
5	11	97-98	Revenue	Transfer from 130	070	700	7000	9130	248,123	65,000	313,123
146		97-98	Appropriation	Transfer to 070	130	700	7000	7070	248,123	65,000	313,123
147		This adjusment moves the alley improvement reserve to fund 070, where these projects are now budgeted. In the past									
148		we did budget alley improvement projects in fund 130, they are now budgeted in fund 070.									
149											
150											
151	12	97-98	Appropriation	Police Training Center	010	190	1901	0466	42,500	(16,300)	26,200
152		97-98	Appropriation	Remodel Project	010	190	1921	5784	23,000	(23,000)	0
153		97-98	Appropriation	Other Special	010	190	1941	0429	45,000	(27,561)	17,439
154		97-98	Appropriation	Computers	010	190	1966	5196	11,800	(1,009)	10,791
155		97-98	Appropriation	Computers	010	190	1966	5305	51,650	(2,695)	48,955
156		97-98	Appropriation	PD Equipment	010	190	1980	5292	388,034	(388,034)	0
157		97-98	Appropriation	PD Equipment	010	190	1980	5416	134,378	(30,000)	104,378
158		97-98	Appropriation	Lab Van Equipment	885	190	1970	5220	45,000	(10,202)	34,798
159		The projects for the above items will not be competed by the end of FY97-98. The department has estimated amount to be spent in FY97-98									
160		and the amount to be carried over to FY98-99.									
161											
162											
163	13	97-98	Appropriation	CFF Staff Changes	139	120	J856		30,000	5,000	35,000
164		97-98	Appropriation	CFF Admin Changes	139	120	J858		100,000	40,000	140,000
165		To provide additional funding to complete the CFF update.									0

Schedule I
FY97-98 Fourth Quarter & FY 98-99 Adoption
Detail Budget Transactions

			Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Current Budget ($)	Adjustment Amount ($)	Revised Budget ($)
1				**FY98-99**							
2											
3	1	98-99	Appropriation	Employee Benefits	010	030	0301	0188	106,759	(165)	106,594
4		98-99	Appropriation	Employee Benefits	751	030	0351	0188	10,919	(700)	10,219
5		98-99	Appropriation	Employee Benefits	731	030	0372	0188	68,120	(4,632)	63,488
6		98-99	Appropriation	Service Credit	731	030	0372	9990	(571,684)	4,632	(567,052)
7		98-99	Appropriation	Claims Payment	735	030	6614	0410	742,681	2,847	745,528
8		98-99	Appropriation	Premium Fees	736	030	6613	0408	4,597,777	10,987	4,608,764
9		98-99	Appropriation	Premium Fees	737	030	6615	0408	181,333	811	182,144
10		98-99	Appropriation	Premium Fees	738	030	6618	0408	134,185	423	134,608
11		98-99	Appropriation	Claims Payment	739	030	6619	0410	205,388	776	206,164
12		98-99	Appropriation	Physicals	751	030	6651	0163	274,254	26,584	300,838
13		98-99	Appropriation	Employee Benefits	751	030	6651	0188	10,788,764	110,506	10,899,270
14		98-99	Appropriation	Employee Benefits	010	050	0501	0188	40,656	(185)	40,471
15		98-99	Appropriation	Employee Benefits	712	050	0554	0188	8,154	(438)	7,716
16		98-99	Appropriation	Employee Benefits	010	120	1224	0188	34,807	7,302	42,109
17		98-99	Appropriation	Employee Benefits	010	120	1232	0188	51,190	(1,791)	49,399
18		98-99	Appropriation	Employee Benefits	010	120	1234	0188	17,180	(1,355)	15,825
19		98-99	Appropriation	Employee Benefits	713	120	1235	0188	13,947	(1,065)	12,882
20		98-99	Appropriation	Employee Benefits	713	120	1242	0188	62,141	(4,524)	57,617
21		98-99	Appropriation	Employee Benefits	713	120	1243	0188	49,186	(3,293)	45,893
22		98-99	Appropriation	Employee Benefits	710	120	1253	0188	9,396	(562)	8,834
23		98-99	Appropriation	Employee Benefits	711	120	1272	0188	48,353	(3,155)	45,198
24		98-99	Appropriation	Employee Benefits	113	140	1452	0188	50,825	(3,609)	47,216
25		98-99	Appropriation	Employee Benefits	113	140	1456	0188	83,146	(5,918)	77,228
26		98-99	Appropriation	Employee Benefits	117	140	1458	0188	11,494	(797)	10,697
7		98-99	Appropriation	Employee Benefits	651	160	1672	0188	33,739	(2,151)	31,588
28		98-99	Appropriation	Employee Benefits	010	180	1801	0188	50,802	(1,320)	49,482
29		98-99	Appropriation	Employee Benefits	010	180	1802	0188	75,313	(1,185)	74,128
30		98-99	Appropriation	Employee Benefits	010	180	1822	0188	90,862	(913)	89,949
31		98-99	Appropriation	Employee Benefits	010	180	1832	0188	2,835,762	(108,557)	2,727,205
32		98-99	Appropriation	Employee Benefits	010	190	1901	0188	107,344	(3,013)	104,331
33		98-99	Appropriation	Employee Benefits	010	190	1921	0188	955,096	(19,243)	935,853
34		98-99	Appropriation	Employee Benefits	010	190	1924	0188	17,764	9,320	27,084
35		98-99	Appropriation	Employee Benefits	010	190	1941	0188	978,346	(30,811)	947,535
36		98-99	Appropriation	Employee Benefits	010	190	1961	0188	3,062,965	(103,365)	2,959,600
37		98-99	Appropriation	Employee Benefits	010	190	1963	0188	272,259	(9,241)	263,018
38		98-99	Appropriation	Employee Benefits	010	190	1964	0188	32,681	(33)	32,648
39		98-99	Appropriation	Employee Benefits	010	190	1966	0188	81,826	(2,600)	79,226
40		98-99	Appropriation	Employee Benefits	885	190	1970	0188	79,371	(2,979)	76,392
41		98-99	Appropriation	Employee Benefits	010	300	3001	0188	70,959	(13,354)	57,605
42		98-99	Appropriation	Employee Benefits	660	330	3311	0188	12,667	(920)	11,747
43		98-99	Appropriation	Employee Benefits	670	340	3412	0188	71,040	(5,105)	65,935
44		98-99	Appropriation	Employee Benefits	010	430	4302	0188	38,880	5,015	43,895
45		98-99	Appropriation	Employee Benefits	010	450	4522	0188	479,456	(567)	478,889
46		98-99	Appropriation	Employee Benefits	010	460	4612	0188	203,153	(32)	203,121
47		98-99	Appropriation	Employee Benefits	010	470	4712	0188	377,619	(452)	377,167
48		98-99	Appropriation	Employee Benefits	780	490	4912	0188	202,167	(14,741)	187,426
49		98-99	Appropriation	Employee Benefits	610	480	5012	0188	492,176	(31,484)	460,692
50		98-99	Appropriation	Employee Benefits	610	440	5015	0188	70,134	(5,355)	64,779
51		98-99	Appropriation	Employee Benefits	621	440	5201	0188	50,520	(3,942)	46,578
52		98-99	Appropriation	Employee Benefits	621	480	5212	0188	268,746	(17,510)	251,236
53		98-99	Appropriation	Employee Benefits	621	480	5213	0188	259,124	(18,261)	240,863
54		98-99	Appropriation	Employee Benefits	621	480	5214	0188	111,211	(3,271)	107,940
5		98-99	Appropriation	Employee Benefits	621	480	5215	0188	65,335	(4,423)	60,912
6		98-99	Appropriation	Employee Benefits	621	480	5217	0188	72,495	(5,125)	67,370
57		98-99	Appropriation	Employee Benefits	621	480	5222	0188	45,401	5,776	51,177
58		98-99	Appropriation	Employee Benefits	628	480	5312	0188	103,781	(6,754)	97,027
59		98-99	Appropriation	Employee Benefits	628	480	5313	0188	87,018	(5,580)	81,438
60		98-99	Appropriation	Employee Benefits	628	480	5314	0188	12,470	(898)	11,572
61		98-99	Appropriation	Employee Benefits	631	440	5412	0188	63,033	(4,438)	58,595

Schedule I
FY97-98 Fourth Quarter & FY 98-99 Adoption
Detail Budget Transactions

			Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Current Budget ($)	Adjustment Amount ($)	Revised Budget ($)
62		98-99	Appropriation	Employee Benefits	651	480	5612	0188	90,136	(6,048)	84,088
63		98-99	Appropriation	Employee Benefits	720	480	5812	0188	155,254	(10,573)	144,681
64		98-99	Appropriation	Employee Benefits	720	480	5813	0188	59,770	(3,922)	55,848
65		Adjustment for reduction of PERS rate.									
66											
67											
68	2a	98-99	Appropriation	Symphony Place	010	140	1421	1600	0	5,188	5,188
69		Redev Inc. paid for Symphony Place; however, the project for Symphony Place will not be competed by the end of FY97-98.									
70		The department has estimated amount to be spent in FY97-98 and the amount to be carried over to FY98-99.									
71											
72											
73	2b	98-99	Revenue	Transfer from 051	070	700	7000	9051	1,062,000	100,000	1,162,000
74		98-99	Revenue	LTF allocation	051	510	9510	1213	1,100,000	100,000	1,200,000
75		98-99	Appropriation	Transfer to 070	051	700	7000	7070	1,062,000	100,000	1,162,000
76		To decrease the budgeted transfer by $100,000 in FY 97-98, and increase the budgeted transfer in FY98-99. This transfer was originally									
77		increased in FY 98-99; however, the SAAG claim was not adjusted during the year to account for the increased transfer,									
78		therefore the transfer could not be made. This adjustment postpones the budgeted transfer until FY 98-99.									
79											
80											
81	2c	98-99	Appropriation	Police Training Center	010	190	1901	0466	0	16,300	16,300
82		98-99	Appropriation	Remodel Project	010	190	1921	5784	0	23,000	23,000
83		98-99	Appropriation	Other Special	010	190	1941	0429	15,000	27,561	42,561
84		98-99	Appropriation	Computers	010	190	1966	5196	0	1,009	1,009
85		98-99	Appropriation	Computers	010	190	1966	5305	0	2,695	2,695
86		98-99	Appropriation	PD Equipment	010	190	1980	5292	0	388,034	388,034
87		98-99	Appropriation	PD Equipment	010	190	1980	5416	0	30,000	30,000
8		98-99	Appropriation	Lab Van Equipment	885	190	1970	5220	0	10,202	10,202
89		The projects for the above items will not be competed by the end of FY97-98. The department has estimated amount to be spent in FY97-98									
90		and the amount to be carried over to FY98-99.									
91											
92											
93	3	98-99	Appropriation	Misc Promotions	010	360	3622	1000	65,000	(65,000)	0
94		98-99	Appropriation	Modesto relays	010	360	3622	1001	0	5,000	5,000
95		98-99	Appropriation	4th of July Celebration	010	360	3622	1002	0	15,000	15,000
96		98-99	Appropriation	Mod Symphony	010	360	3622	1004	0	9,000	9,000
97		98-99	Appropriation	Mod Performing arts	010	360	3622	1008	0	6,000	6,000
98		98-99	Appropriation	Mod Civic Theatre	010	360	3622	1009	0	3,000	3,000
99		98-99	Appropriation	Central Calif Art League	010	360	3622	1017	0	1,250	1,250
100		98-99	Appropriation	Hispanic Chamber	010	360	3622	1024	0	5,000	5,000
101		98-99	Appropriation	Townsend Opera Players	010	360	3622	1026	0	5,500	5,500
102		98-99	Appropriation	International Festival	010	360	3622	1047	0	5,000	5,000
103		98-99	Appropriation	Downtown arts projects	010	360	3622	1048	0	3,500	3,500
104		98-99	Appropriation	Community Concert Assn.	010	360	3622	1063	0	1,250	1,250
105		98-99	Appropriation	Y.E.S.	010	360	3622	1064	0	1,400	1,400
106		98-99	Appropriation	Central West Ballet	010	360	3622	1066	0	4,500	4,500
107		98-99	Appropriation	MoBand	010	360	3622	1067	0	3,350	3,350
108		98-99	Appropriation	Sylvan Village Dancers	010	360	3622	1068	0	500	500
109		98-99	Appropriation	Na Ohana O Ke Awawa	010	360	3622	1069	0	500	500
110		98-99	Appropriation	Center Stage	010	360	3622	1070	0	250	250
111		Allocation of adopted $65,000 Cultural Services by FPC on 5/26/98 with the recommendation of an additional $5,000 to be funded by General Fund.									
112											
113											
114	4	98-99	Appropriation	Tourism	010	140	1421	1006	230,055	6,878	236,933
115		Increasing Convention Visitors Bureau payment to match with estimated revenue for Transient Occupancy Tax.									
5											
17											
118	5a	98-99	Revenue	Business License Registration	010	120	1224	1401	239,139	34,152	273,291
119		98-99	Appropriation	S&W Regular	010	120	1224	0110	138,554	26,850	165,404
120		98-99	Appropriation	Employee Benefits	010	120	1224	0188	34,807	7,302	42,109
121											

Schedule I
FY97-98 Fourth Quarter & FY 98-99 Adoption
Detail Budget Transactions

			Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	Current Budget ($)	Adjustment Amount ($)	Revised Budget ($)
122	5b	98-99	Appropriation	S&W Regular	010	120	1232	0110	211,561	1,648	213,209
123		98-99	Appropriation	S&W Regular	010	120	1234	0110	57,864	130	57,994
124											
125	5c	98-99	Appropriation	S&W Regular	010	190	1924	0110	67,457	37,872	105,329
126		98-99	Appropriation	Uniform Allowance	010	190	1924	0165	1,480	480	1,960
127		98-99	Appropriation	Employee Benefits	010	190	1924	0188	17,764	9,320	27,084
128		98-99	Appropriation	Service Credit	010	190	1924	9990	(92,554)	(47,672)	(140,226)
129		98-99	Appropriation	Services - City Forces	885	190	1970	0255	108,949	47,672	156,621
130											
131	5d	98-99	Appropriation	S&W Regular	010	190	1961	0110	8,124,856	960	8,125,816
132		98-99	Appropriation	S&W Regular	010	430	4302	0110	160,523	414	160,937
133		98-99	Appropriation	S&W Regular	010	470	4712	0110	1,538,198	(3,345)	1,534,853
134		98-99	Appropriation	S&W Regular	621	480	5214	0110	440,467	(33,156)	407,311
135		98-99	Appropriation	S&W Regular	621	480	5222	0110	156,776	30,379	187,155
136		98-99	Appropriation	S&W Regular	628	440	5314	0110	114,198	(45,000)	69,198
137											
138	5e	98-99	Revenue	Stores Services	711	120	1272	4947	257,502	(41,797)	215,705
139		98-99	Appropriation	S&W Regular	711	120	1272	0110	184,148	(32,823)	151,325
140		98-99	Appropriation	Employee Benefits	711	120	1272	0188	48,353	(8,420)	39,933
141		98-99	Appropriation	Store Services - inside	651	480	5612	0228	22,005	(13,831)	8,174
142		98-99	Appropriation	S&W Regular	720	480	5812	0110	616,683	32,823	649,506
143		98-99	Appropriation	Employee Benefits	720	480	5812	0188	155,254	8,420	163,674
144		98-99	Appropriation	Store Services - inside	720	480	5812	0228	34,249	(21,118)	13,131
145		98-99	Appropriation	Store Services - inside	720	480	5813	0228	15,400	(6,848)	8,552
146											
147		Adjustment to personnel changes from projected to adopted budget.									
8											
149											
150	6	98-99	Revenue	Misc Recreation	010	370	3712	4074	70,913	20,000	90,913
151		98-99	Appropriation	S&W Part-Time	010	370	3712	0140	355,874	14,220	370,094
152		98-99	Appropriation	Benefits Part-Time	010	370	3712	0189	32,029	1,280	33,309
153		98-99	Appropriation	Vocation & Recreation	010	370	3712	0315	32,061	4,500	36,561
154		Child Services received $20,000 CDBG grant as a sub-recipient to provide additional programs to child services.									
155											
156											
157	7	98-99	Appropriation	S&W Part-Time	660	330	3311	0140	8,038	(3,751)	4,287
158		98-99	Appropriation	Benefits Part-Time	660	330	3311	0189	723	(337)	386
159		98-99	Appropriation	Printing & Binding	660	330	3311	0205	15,825	(6,000)	9,825
160		98-99	Appropriation	Equipment Rental	660	330	3311	0216	3,240	(3,240)	0
161		98-99	Appropriation	Repair & Maint - Outside	660	330	3311	0223	400	(100)	300
162		98-99	Appropriation	Svc, Prof & Other	660	330	3311	0235	49,957	(18,631)	31,326
163		98-99	Appropriation	Office Supplies	660	330	3311	0301	600	(200)	400
164		98-99	Appropriation	Utilities	660	330	3316	0210	37,889	(6,000)	31,889
165		98-99	Appropriation	Services - City Forces	660	330	3316	0255	2,844	(1,600)	1,244
166		98-99	Appropriation	CIP	660	330	K___	6040	0	(15,000)	(15,000)
167		Additional Golf fund adjustment to curtail expenses to confront the severe financial constraints affecting the fund.									
168		Move the Dryden roof CIP from FY98-99 to FY99-00 to reduce spending in FY98-99.									
169											
170											
171	8	98-99	Appropriation	Transfer Out to fund 621	610	700	7000	7621	0	(18,000)	(18,000)
172		98-99	Appropriation	Transfer Out to fund 621	628	700	7000	7628	0	(17,000)	(17,000)
173		98-99	Revenue	Transfer In from fund 610	621	700	7000	9610	0	(18,000)	(18,000)
174		98-99	Revenue	Transfer In from fund 615	621	700	7000	9615	0	(16,000)	(16,000)
175		98-99	Revenue	Transfer In from fund 628	621	700	7000	9628	0	(17,000)	(17,000)
		These transfers are associated with a capital improvement program project-SCADA at City Hall,									
/		this project is budgeted for fy 1999-00, not 98-99; so it is necessary to reduced the transfers.									

MODESTO CITY COUNCIL
RESOLUTION NO. 98-321

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GREAT VALLEY CENTER FOR GRANT FUNDING TO PROVIDE TREES TO BE PLANTED IN THE TUOLUMNE RIVER REGIONAL PARK

WHEREAS, in February 1998, the City of Modesto, on behalf of the Tuolumne River Regional Park Agency, applied to the Great Valley Center for funding under the LEGACI (Land Use, Economic Development, Growth, Agriculture, Conservation and Investment) Program, and

WHEREAS, the Great Valley Center has awarded $15,000 for the tree purchase portion of the tree planting project.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Great Valley Center for grant funding to provide trees to be planted in the Tuolumne River Regional Park be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-322

Print

A RESOLUTION APPROVING THE FINAL MAP OF ROSE LANE NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Florsheim Bros., a California general partnership by Florsheim Properties, a California corporation is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 18.69 acres, known as Rose Lane No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council of the City of Modesto on the 26th day of November, 1996, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Rose Lane No. 3 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as

set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-323

A RESOLUTION APPOINTING JUNE KIDD AND LEE ALLEN TO THE HIGHWAY VILLAGE PARK ADVISORY COUNCIL

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

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

SECTION 1. June Kidd and Lee Allen are hereby appointed to the Highway Village Park Advisory Council with term expiration on June 16, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Highway Village Park Advisory Council, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of June, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

RESCINDED
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION

MODESTO CITY COUNCIL
RESOLUTION NO. 98-324

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM CALVARY CHAPEL OF MODESTO, INC. AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (NORTH TRUNK SEWER PROJECT)

APN 78-18-23 (Calvary Chapel of Modesto, Inc.)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to install the North Trunk Sewer (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.050 and 1240.110 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibit "A" is necessary for the Project;

4. The taking of a temporary easement in and for the real property more particularly described in said Exhibit "B" is necessary for the Project;

5. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.

6. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

7. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Permanent Sewer Easement
APN 78-18-23 (Portion)

EXHIBIT A

All that portion of the Southeast quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the South ¼ corner of said Section 1; thence North 0°35'27" West along the North-South quarter section line of said Section 1, a distance of 1324.48 feet to the Southwest corner of the subject APN 78-18-23, and also being the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 1; thence North 89°07'14" East along the Southern line of subject APN 78-18-23 a distance of 5 feet to the true point of beginning of this description, thence North 0°35'27" West parallel to the Western line of the subject APN 78-18-23 a distance of 1226 feet, more or less, to a point on the Northern line of the subject APN 78-18-23, said line also being the Southern line of Modesto Irrigation District Lateral 6; thence North 89°10' East along the Northern line of the subject APN 78-18-23 a distance of 20 feet; thence South 0°35'27" East parallel to the Western line of the subject APN 78-18-23 a distance of 1226 feet, more or less to the Southern line of the subject APN 78-18-23, said line also being the Southern line of the Northwest quarter of the Southeast quarter of said Section 1; thence South 89°07'14" West along the said Southern line a distance of 20 feet more or less to the true point of beginning of this description, containing 0.57 acres, more or less.

Temporary Sewer Easement
APN 78-18-23 (Portion)

EXHIBIT B

All that portion of the Southeast quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the South ¼ corner of said Section 1; thence North 0°35'27" West along the North-South quarter section line of said Section 1, a distance of 1324.48 feet to the true point of beginning of this description, said point also being the Southwest corner of the subject APN 78-18-23, and also being the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 1; thence North 0°35'27" West along the Western line of the subject APN 78-18-23 a distance of 1226 feet, more or less, to a point at the Northwest corner of the subject APN 78-18-23, said point also being the point of intersection of the Southern line of Modesto Irrigation District Lateral 6, and the North-South quarter section line of said Section 1; thence North 89°10' East along the Northern line of the subject APN 78-18-23 a distance of 32 feet; thence South 0°35'27" East parallel to the Western line of the subject APN 78-18-23 a distance of 1158.5 feet; thence North 89°07'14" East, parallel to and 67.5 feet north of the Southern line of the subject APN 78-18-23 a distance of 121 feet; thence South 0°37'27" East a distance of 67.5 feet more or less, to a point on the Southern line of the subject APN 78-18-23; thence South 89°07'14" West along the Southern line of the subject APN 78-18-23, said line also being the Southern line of the Northwest quarter of the Southeast quarter of said Section 1, a distance of 153 feet more or less to the true point of beginning of this description, containing 1.09 acres, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-325

Print

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM HANS J. WAGNER AND DONALD E. WAGNER TRUST AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (NORTH TRUNK SEWER PROJECT)

APN 78-18-21 (Hans J. Wagner and Donald E. Wagner Trust)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibit "A", attached hereto and made a part hereof by reference, in order to install the North Trunk Sewer (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.050 and 1240.110 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a temporary easement in and for the real property more particularly described in said Exhibit "A" is 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 or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

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

Temporary Sewer Easement
APN 78-18-21 (Portion)

EXHIBIT A

All that portion of the Southwest quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

COMMENCING at the South ¼ corner of said Section 1; thence North 0°35'27" West along the North-South quarter section line of said Section 1, a distance of 1324.48 feet to the true point of beginning of this description, said point also being the Southeast corner of the subject APN 78-18-21, and also being the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 1; thence North 0°35'27" West along the Eastern line of the subject APN 78-18-21 a distance of 1226 feet, more or less, to a point at the Northeast corner of the subject APN 78-18-21, said point also being the point of intersection of the Southern line of Modesto Irrigation District Lateral 6, and the North-South quarter section line of said Section 1; thence South 89°10' West along the Northern line of the subject APN 78-18-21 a distance of 32 feet; thence South 0°35'27" East parallel to the Eastern line of the subject APN 78-18-21 a distance of 1324.48 feet, more or less, to a point on the Southern line of the subject APN 78-18-21; thence North 89°07'14" East along the Southern line of the subject APN 78-18-21, said line also being the Southern line of the Northeast quarter of the Southwest quarter of said Section 1, a distance of 32 feet, more or less to the true point of beginning of this description, containing 0.90 acres, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-326

Print

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM SNYDER RANCH PROPERTIES AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (NORTH TRUNK SEWER PROJECT)

APN 78-18-28 (Snyder Ranch Properties, a California general partnership)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibits "A" and "B", attached hereto and made a part hereof by reference, in order to install the North Trunk Sewer (the "Project"), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 37350.5 of the Government Code, and Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.050 and 1240.110 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council 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; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.

NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

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 a portion of the real property more particularly described in said Exhibit "A" is necessary for the Project;

4. The taking of a temporary easement in and for the real property more particularly described in said Exhibit "B" is necessary for the Project;

5. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.

6. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

7. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

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

Permament Sewer Easement
AGN 78-18-28 (Portion)

EXHIBIT A

All that portion of the Southeast quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Parcel "1" of Volume 31, Parcel Maps, Page 2, filed November 13, 1980 with the Stanislaus County Recorder, described as follows:

COMMENCING at the South ¼ corner of Section 1, Township 3 South, Range 8 East; thence North 0°35'27" West along the North-South quarter section line of said Section 1, a distance of 30 feet to a point at the Southwest corner of said Parcel "1", said point also being a point on the Northern line of 60.00 foot Snyder Avenue; thence North 89° 07'00" East along the Southern line of said Parcel "1", said line also being the Northern line of said Snyder Avenue, a distance of 129 feet to the true point of beginning of this description; thence North 0°35'27" West a distance of 1226.8 feet more or less to the Southern line of the 135.00 foot Pelandale Avenue, said Southern line also being parallel to and 67.5 feet South of the Northern line of said Parcel "1", said Northern line also being the Northern line of the Southwest quarter of the Southeast quarter of said Section 1; thence North 89°07'14" East along the Southern line of said Pelandale Avenue, a distance of 20 feet, thence South 0°35'27" East a distance of 1226.8 feet, more or less, to a point on the Southern line of said Parcel "1"; thence South 89° 07'00" West along said Southern line a distance of 20 feet, more or less, to the true point of beginning of this description; containing 0.56 acres, more or less.

Temporary Sewer Easement
APN 78-18-28 (Portion)

EXHIBIT B

All that portion of the Southeast quarter of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Parcel "1" of Volume 31, Parcel Maps, Page 2, filed November 13, 1980 with the Stanislaus County Recorder, described as follows:

A temporary sewer easement for construction purposes, terminating at the end of construction, described as follows:

COMMENCING at the South ¼ corner of Section 1, Township 3 South, Range 8 East; thence North 0°35'27" West along the North-South quarter section line of said Section 1, a distance of 30 feet to a point at the Southwest corner of said Parcel "1", said point also being a point on the Northern line of 60.00 foot Snyder Avenue; thence North 89° 07'00" East along the Southern line of said Parcel "1", said line also being the Northern line of said Snyder Avenue, a distance of 103 feet to the true point of beginning of this description; thence North 0°35'27" West a distance of 1226.8 feet more or less to the Southern line of the 135.00 foot Pelandale Avenue, said Southern line also being parallel to and 67.5 feet South of the Northern line of said Parcel "1", said Northern line also being the Northern line of the Southwest quarter of the Southeast quarter of said Section 1; thence North 89°07'14" East along the Southern line of said Pelandale Avenue, a distance of 50 feet, thence South 0°35'27" East a distance of 1226.8 feet, more or less, to a point on the Southern line of said Parcel "1", said line also being the Northern line of Snyder Avenue; thence South 89° 07'00" West along said Southern line a distance of 50 feet, more or less, to the true point of beginning of this description; containing 1.41 acres, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-327

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL MASTER ENVIRONMENTAL IMPACT REPORT (SCH 96042009) RELATING TO THE APPROVAL OF THE WASTEWATER MASTER PLAN: ACQUISITION OF LAND FROM CALVARY CHAPEL OF MODESTO, INC., TO INSTALL THE NORTH TRUNK SEWER TO SERVE PORTIONS OF NORTHWEST MODESTO.

WHEREAS, on May 27, 1997, by Resolution No. 97-290, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (" EIR") (SCH 96042009) for the WasteWater Master 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 an 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 Development Department, by an Environmental Assessment Initial Study dated April 15, 1998, reviewed the proposed acquisition of real property interests from Calvary Chapel of Modesto to install the North Trunk Sewer to serve portions of northwest Modesto, to determine whether the project is within the scope of the project covered by the WasteWater Master EIR, and made the determination that the proposed project will have no additional significant effect on the

environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on June 23, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed acquisition of real property interests from Calvary Chapel of Modesto to install the North Trunk Sewer to serve portions of northwest Modesto, to determine whether the project is within the scope of the project covered by the WasteWater Master EIR, 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, the Council makes the following findings:

1. That the proposed project is within the scope of the Master Plan covered by the WasteWater Master Plan Master Environmental Impact Report.

2. That the City is the lead agency identified in that report.

3. That the project will have no additional significant effect on the environment, as defined in Section 21158(d) of the Public Resources Code.

4. That accordingly, the project does not require a new environmental impact document or findings pursuant to Public Resources Code Section 21081.

5. That all feasible mitigation measures or feasible alternatives set forth in the Master Environmental Impact Report appropriate to the project have been incorporated into the project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

2 Clerk
1 Attorney
1 CDD - Construction Administration
1 Initiating Department - Attention: Person's Name in Charge of the Project

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-328

A RESOLUTION VACATING AND ABANDONING A PORTION OF TENTH STREET IN BLOCKS 57 AND 67, CONSISTING OF FIVE FEET FROM EACH SIDE OF THE STREET, LOCATED BETWEEN J AND K STREETS.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 98-300 on June 2, 1998, declaring its intention to vacate and abandon a portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets, and

WHEREAS, said portion of Tenth Street to be vacated and abandoned is more particularly described in Exhibit "A" and Exhibit "B" and shown on Exhibit "C" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 98-300 set June 23, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the time and place for a public hearing for all persons interested in or objecting to the proposed vacation and abandonment, and

WHEREAS, said Resolution No. 98-300 was published in *The Modesto Bee*, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Community Development Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously along the lines of the property proposed to be vacated and abandoned at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and

WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 98-35, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, June 23, 1998, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highway Code Sections 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law in order to vacate and abandon said alley have been done and accomplished, and

WHEREAS, the Council finds and declares that the portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets, is unnecessary for present or prospective street purposes, and that the vacation and abandonment thereof is in the public interest, and

WHEREAS, the City's Community Development Department, by Environmental Assessment Initial Study No. 98-21, judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities,

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

1. That portions of 10th Street, consisting of two five-foot wide strips along each side of the street between J and K Streets, are unnecessary for present or future pedestrian or vehicular use.

2. That the area to be abandoned is not required to be retained as a public utility easement.

3. That Environmental Review No. 98-21 judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alterations of existing public or private facilities.

4. That the abandonment and vacation of portions of 10th Street is in conformance with the City of Modesto General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of a portion of Tenth Street in Blocks 57 and 67, consisting of five feet from each side of the street, located between J and K Streets. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and Exhibit "B" and shown on Exhibit "C" attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Community Development Department
Development Services

mid-valley engineering
A Professional Corporation
Land Planning • Engineering • Surveying
900 "H" Street, Suite G • Modesto, CA 95354 • (209) 526-4214 • FAX (209) 526-0803

June 24, 1998
Job No. 70-738D
(Revised)

10TH STREET ABANDONMENT TO BLOCK 57

BEING a 5 foot wide abandonment of Tenth Street lying between the northerly right-of-way of "J" Street and the southerly right-of-way of "K" Street (State Highway 108), said 5 foot abandonment being more particularly described as follows:

BEGINNING at the most easterly corner of BLOCK 57 as shown on that certain map filed for record on December 15, 1942 in Book 15 of Maps, Stanislaus County Records, Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, said corner also lying at the point of intersection of the northerly right-of-way of "J" Street, and the westerly right-of-way of Tenth Street; thence North 43°31'28" West along said westerly right-of-way of Tenth Street, a distance of 400.21 feet to the point of intersection with the southerly right-of-way of "K" Street; thence North 46°27'30" East, along the Northeasterly extension of the Southerly right-of-way line of said "K" Street, a distance of 5.00 feet; thence South 43°31'28" East and parallel with said Westerly right-of-way line of Tenth Street, a distance of 400.21 feet to a point on the Northeasterly extension of the Westerly right-of-way line of said "J" Street; thence South 46°28'32" West along last said line, a distance of 5.00 feet to the POINT OF BEGINNING.

Containing 2,001 square feet, more or less.

LICENSED LAND SURVEYOR
D. L. SKIDMORE
No. 7126
Exp. 12-31-98
STATE OF CALIFORNIA

Dave L. Skidmore, L.S. 7126
License Expires 12/31/98

EXHIBIT A

mid-valley engineering
Land Planning • Engineering • Surveying
A Professional Corporation
900 "H" Street, Suite G • Modesto, CA 95354 • (209) 526-4214 • FAX (209) 526-0803

June 24, 1998
Job No. 70-738D
(Revised)

10TH STREET ABANDONMENT TO BLOCK 67

BEING a 5 foot wide abandonment of Tenth Street lying between the northerly right-of-way of "J" Street and the southerly right-of-way of "K" Street (State Highway 108), said 5 foot abandonment being more particularly described as follows:

BEGINNING at the most southerly corner of Block 67 as shown on that certain map filed for record on December 15, 1942 in Book 15 of Maps, Stanislaus County Records, Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, said corner also lying at the point of intersection of the northerly right-of-way of "J" Street, and the easterly right-of-way of Tenth Street, thence North 43°31'28" West along said easterly right-of-way of Tenth Street, a distance of 400.19 feet to the point of intersection with the southerly right-of-way of "K" Street; thence South 46°27'30" West, along the Southwesterly extension of the Southerly right-of-way line of said "K" Street, a distance of 5.00 feet; thence South 43°31'28" East and parallel with said Easterly right-of-way line of Tenth Street, a distance of 400.19 feet to a point on the Southwesterly extension of the Westerly right-of-way line of said "J" Street; thence North 46°26'12" East along last said line, a distance of 5.00 feet to the POINT OF BEGINNING.

Containing 2001 square feet, more or less.



Dave L. Skidmore, L.S. 7126
License Expires 12/31/98

EXHIBIT B

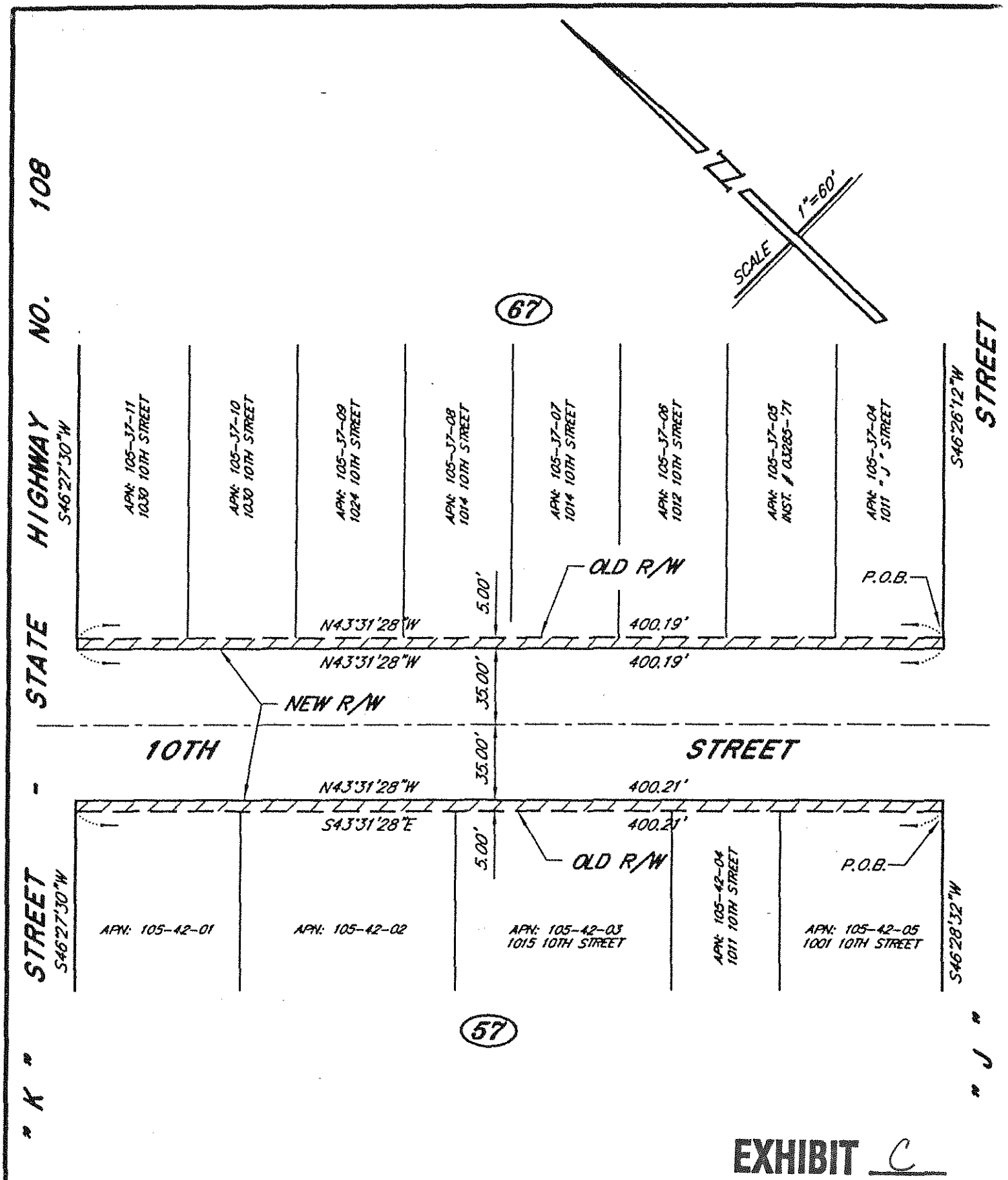


EXHIBIT C

Drawn	E.T.
Date	2-25-98
Scale	1"=60'
Job No.	70-7380
Dwg.	ABANDON

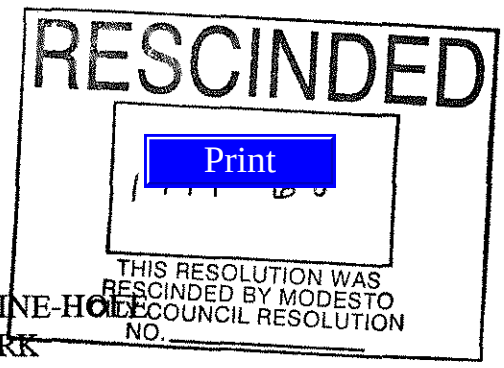
PLAT TO ACCOMPANY LEGAL DESCRIPTION 10TH ST. ABANDONMENT

CITY OF MODESTO, CALIFORNIA

mid-valley engineering
P.O. BOX 816, MODESTO, CALIFORNIA 95353
(209) 526-4214
FAX (209) 526-0803

SHEET 1. OF 1.

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 98-329

A RESOLUTION ESTABLISHING RATES AND CONDITIONS FOR PLAY ON THE MODESTO NINE-HOLE MUNICIPAL GOLF COURSE, THE DRYDEN PARK MUNICIPAL GOLF COURSE, AND THE CREEKSIDE MUNICIPAL GOLF COURSE AND RESCINDING RESOLUTION NO. 97-655.

WHEREAS, at the May 20, 1998, Human Services Committee meeting, said Committee recommended that the City of Modesto Golf Courses Committee review the existing green fee rates and policies, and

WHEREAS, the Human Services Committee requested that the Golf Courses Committee provide recommendations that would stimulate play at the Dryden Golf Course and increase revenues throughout the Golf Program, and

WHEREAS, the Golf Courses Committee proposed no change to green fees at the Modesto Nine-Hole Municipal Golf Course, and proposed a decrease of $1.00 to $2.00 per round in green fees at the Dryden Golf course for weekday play, and an increase of $1.00 to $2.00 per round at the Creekside Golf Course for weekend play, and

WHEREAS, the Golf Committee also recommended that Valu-Play discounts should be effective for one month from the date of purchase, and that the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S. should be allowed to use Senior/Junior/Disabled discounts, Monday through Thursday, for those tournament players who qualify for these discounts, and

WHEREAS, the Human Services Committee met on June 3, 1998, and supported the recommendations of the City of Modesto Golf Courses Committee, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 4:00 p.m. on June 23, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed golf fees and policies recommendations, and

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at the Dryden Park Municipal golf course and the Creekside Municipal Golf Course need to be revised, however, there is no need to revise the golf rates at the Modesto Nine-Hole Municipal Golf Course,

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

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.

The 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. (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.

(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 Ladies 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) Multiple Play Cards. Golfers can purchase a weekday 6, 8 or 10 multiple play card for Dryden/Creekside or Muni. The multiple play card will be good for the calendar month issued except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. From time to time, the Community Services and Neighborhood Connections Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) Valu-Play Discounts. Valu-Play Discounts are effective for one month from the date of purchase.

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 Community Services and Neighborhood Connections Director or designee.

SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. 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 6. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 7. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after July 1, 1998.

SECTION 8. REPEALS. Resolution No. 97-655 adopted on November 25, 1997, is hereby rescinded June 30, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Conrad, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULE
EFFECTIVE JULY 1, 1998

DRYDEN

*Weekdays, 9-holes	$ 11.00
*Weekdays, 9-holes (seniors/juniors/disabled)	$ 9.00
Weekdays, 18-holes	$ 15.00
Weekdays, 18-holes (seniors/juniors/disabled)	$ 12.00
Weekdays, 18-holes (juniors, after noon)	$ 7.50
Weekdays Mid-day, 18-holes	$ 11.00
Weekdays Super-Twilight, 18-holes	$ 5.00
Weekdays afternoon League Play	$ 10.00
*Weekends/Holidays, 9-holes	$ 13.00
Weekends/Holidays, 18-holes	$ 21.00
Weekends/Holidays, 18-holes (juniors, after noon)	$ 10.50
Weekends/Holidays Mid-day, 18-holes	$ 14.00
Weekends/Holidays Super-Twilight, 18-holes	$ 8.00
6-play Valu-Play booklet	$ 72.00
6-play Valu-Play booklet (seniors/juniors/disabled)	$ 60.00
8-play Valu-Play booklet	$ 96.00
8-play Valu-Play booklet (seniors/juniors/disabled)	$ 80.00
10-play Valu-Play booklet	$120.00
10-play Valu-Play booklet (seniors/juniors/disabled)	$100.00

CREEKSIDE

*Weekdays, 9-holes	$ 12.50
*Weekdays, 9-holes (seniors/juniors/disabled)	$ 10.00
Weekdays, 18-holes	$ 17.00
Weekdays, 18-holes (seniors/juniors/disabled)	$ 13.50
Weekdays, 18-holes (juniors, after noon)	$ 8.50
Weekdays Mid-day, 18-holes	$ 12.00
Weekdays Super-Twilight, 18-holes	$ 6.00
Weekdays afternoon League Play	$ 11.00
*Weekends/Holidays, 9-holes	$ 14.00
Weekends/Holidays, 18-holes	$ 23.00
Weekends/Holidays, 18-holes (juniors, after noon)	$ 11.50
Weekends/Holidays Mid-day, 18-holes	$ 15.00
Weekends/Holidays Super-Twilight, 18-holes	$ 9.00
6-play Valu-Play booklet	$ 72.00
6-play Valu-Play booklet (seniors/juniors/disabled)	$ 60.00
8-play Valu-Play booklet	$ 96.00
8-play Valu-Play booklet (seniors/juniors/disabled)	$ 80.00
10-play Valu-Play booklet	$120.00
10-play Valu-Play booklet (seniors/juniors/disabled)	$100.00

*Available first 1½ hours of the day.

MUNI (No Revision of Golf Rates)

Weekdays, 9-holes	$ 9.00
Weekdays, 9-holes (seniors/juniors/disabled)	$ 7.00
Weekdays, 9-holes (juniors, after noon)	$ 4.50
Weekdays Mid-day, 9-holes	$ 7.00
Weekdays Super-Twilight, 9-holes	$ 5.00
Weekdays afternoon League Play	$ 6.00
Weekends/Holidays, 9-holes	$ 11.00
Weekends/Holidays, 9-holes (juniors, after noon)	$ 5.50
Weekends/Holidays Mid-day, 9-holes	$ 8.00
Weekends/Holidays Super-Twilight, 9-holes	$ 6.00
6-play Valu-Play booklet	$ 36.00
6-play Valu-Play booklet (seniors/juniors/disabled)	$ 30.00
8-play Valu-Play booklet	$ 48.00
8-play Valu-Play booklet (seniors/juniors/disabled)	$ 40.00
10-play Valu-Play booklet	$ 60.00
10-play Valu-Play booklet (seniors/juniors/disabled)	$ 50.00

Corrected 9/2/98
EXHIBIT "B"

TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE JULY 1, 1998

	FEE PER PLAYER		
	Regular Tee Time Style	Full Shotgun Tee Time Style	Modified Shotgun Tee Time Style
CREEKSIDE			
Weekday	$27.00	$48.00	$48.00
Weekends	$33.00	$55.00	$55.00
DRYDEN			
Weekday	$25.00	$46.00	$46.00
Weekends	$31.00	$53.00	$53.00
MUNI			
Weekday	$17.00	$30.00	N/A
Weekend	$21.00	$34.00	N/A

In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($17.00 weekdays/$23.00 weekends at Creekside, $15.00 weekdays/$21.00 weekends at Dryden and $9.00 weekdays/$11.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 144 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($21.00 weekdays/$28.00 weekends at Creekside, $19.00 weekdays/$26.00 weekends at Dryden and $11.00 weekdays/$13.00 weekends at Muni); cart rental ($13.00 at Creekside/Dryden and $11.00 at Muni); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($21.00 weekdays/$28.00 weekends); cart rental ($13.00 at Creekside, $19.00 weekdays/$26.00 weekends at Dryden); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies 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.

EXHIBIT "B"

Corrected 9-2-98

TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE JULY 1, 1998

	FEE PER PLAYER		
	Regular Tee Time Style	Full Shotgun Tee Time Style	Modified Shotgun Tee Time Style
CREEKSIDE			
Weekday	$27.00	$48.00	$48.00
Weekends	$33.00	$56.00	$56.00
DRYDEN			
Weekday	$25.00	$46.00	$46.00
Weekends	$31.00	$53.00	$53.00
MUNI			
Weekday	$17.00	$30.00	N/A
Weekend	$21.00	$34.00	N/A

In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include: green fees ($17.00 weekdays/$23.00 weekends at Creekside, $15.00 weekdays/$21.00 weekends at Dryden and $9.00 weekdays/$11.00 weekends at Muni); and Pro Shop merchandise credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 144 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include: green fees ($23.00 weekdays/$28.00 weekends at Creekside, $19.00 weekdays/$26.00 weekends at Dryden and $10.00 weekdays/$12.00 weekends at Muni); cart rental ($13.00 at Creekside/Dryden and $11.00 at Muni); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni); and golf course restaurant credit ($7.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include: green fees ($21.00 weekdays/$$28.00 weekends); cart rental ($13.00 at Creekside, $19.00 weekdays/$26.00 weekends at Dryden); and Pro Shop merchandise credit ($7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies 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.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-330

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF FORMATION, ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 1998-1(ENTERPRISE BUSINESS PARK), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE DISTRICT, AND CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT

WHEREAS, Marvin L. Oates, as the owner of at least 10% of the property in the proposed community facilities district, has filed with the City Clerk of the City of Modesto (the "City") a petition and supplement thereto, requesting the City Council (the "Council") to form Community Facilities District No. 1998-1 of the City (the "District"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act") in order: (i) to finance the construction and acquisition of certain street improvements, water, sewer and storm drainage improvements, and service extensions for electric power, natural gas and telephone connections, including planning, design and engineering costs and all other expenses incidental thereto (the "Facilities"), which are further described in Exhibit B hereto; and (ii) to finance certain services (the "Services"), which are described in Exhibit C hereto; and

WHEREAS, the City Council (the "Council") of the City of Modesto (the "City"), did, on May 19, 1998 adopt its Resolution No. 98-262 of intention to establish the District, and

levy a special tax therein, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, Resolution No. 98-262 (1) describing the proposed boundaries of the District, the name of the District, and the types of facilities (the "Facilities") and services (the "Services") proposed to be financed by the District, (2) providing that, except where funds are otherwise available to pay for the Facilities, including the incidental expenses thereof, and/or the principal and interest as it becomes due on the bonds of the District issued to finance the Facilities, and the Services, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District, (3) specifying the rate, method of apportionment, and manner of collection of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the maximum amount that he or she will have to pay, and (4) setting a hearing thereon, is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the affidavit of publication on file with the City Clerk, and

WHEREAS, this Council on June 23, 1998, held the public hearing as required by law relative to the proposed formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 98-262, and

WHEREAS, prior to the hearing a map of the proposed boundaries of the District, entitled "Boundary Map of Community Facilities District No. 1998-1 (Enterprise Business Park)" was recorded pursuant to Section 3111 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus, in Volume 2 of Maps of Assessment and Community Facilities Districts, at page 97, and

WHEREAS, prior to the hearing a report (the "Report") containing a description of the Facilities and Services required to adequately meet the needs of the District and an estimate of the cost of providing the Facilities and Services, including, to the extent the purchase of completed Facilities or the payment of incidental expenses is proposed, the estimated fair and reasonable cost thereof, was filed with this Council as a part of the record of the hearing and duly considered by this Council, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 98-262, including all interested persons or taxpayers for or against the establishment of the District, the extent of the District, or the furnishing of specific types of Facilities or Services, were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters relating to the formation of the District, the levy of the special tax, and all other matters set forth

in Resolution No. 98-262, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than twelve (12) registered voters residing in the District (the Registrar of Voters certified there are no registered voters residing within the District); accordingly, the qualified electors in the District are the landowners, and

WHEREAS, written protests against the establishment of the District, the furnishing of specified type or types of Facilities and Services within the District as listed in the Report, or the levying of the special tax have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (1/2) or more of the area of land in the territory proposed to be included in the District and not exempt from this special tax,

NOW THEREFORE, BE IT RESOLVED, that the Council hereby finds and determines as follows:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The proposed special tax to be levied in the District has not been precluded by majority protest pursuant to Section 53324 of the Act. All protests (there were none) to the establishment of the District, the extent thereof, or the furnishing of the Facilities and Services proposed therefor, or the levy of the special tax proposed to be levied in the District, are hereby overruled.

SECTION 3. As proposed in Resolution No. 98-262, a community facilities district is hereby established pursuant to the Act, designated "Community Facilities District No. 1998-1."

SECTION 4. (a) The Facilities to be financed by the District are set forth in Exhibit B.

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the District as a result of development occurring in the District.

(c) No land within the District is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 5. (a) The Services to be financed by the District are set forth in Exhibit C attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The proposed Services are governmental services which the City is authorized by law to provide since they are in addition to those provided in the territory of the District before the District was created.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the District as a result of development occurring in the District.

SECTION 6. The Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7. (a) As stated in Resolution No. 98-262, except where funds are otherwise available, it is the intention of this Council, subject to the approval of the qualified electors of the District, to levy a special tax sufficient to finance the Facilities and Services and to pay any other costs or expenses of the District authorized by the Act, secured by recordation of a continuing lien against all nonexempt real property in the District.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that he or she will have to pay, is described in Exhibit A hereto and by this reference incorporated herein.

(c) There is no ad valorem property tax currently being levied on property within the District for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the District.

(d) Any reimbursement made to the District pursuant to Section 53313.5(e) of the California Government Code shall be utilized to reduce or minimize the special tax levied within the District or to finance additional facilities within the District.

(e) Landowners may prepay the component of the special tax used to pay for the Facilities pursuant to the procedures set forth in Exhibit A; no provision has been made for

the prepayment of the component of the special tax used to pay for the Services.

SECTION 8. The description of the proposed voting procedure, as set forth in Resolution No. 98-262, is incorporated herein by this reference, and shall be the voting procedure to be used in these proceedings.

SECTION 9. The office of the Director of Finance is hereby designated as the office, department or bureau which will be responsible for annually preparing the current roll of special tax levy obligations by assessor's parcel number on nonexempt property within the District and which will be responsible for estimating future special tax levies. The name, address, and telephone number of the office of the Director of Finance, and the person responsible for administering the District, is as follows:

Director of Finance
City of Modesto
City Hall
801 11th Street
Modesto, California 95354
(209) 577-5370

Such officer is hereby directed to establish procedures to promptly respond to inquiries concerning current and future estimated tax liability pursuant to Section 53340.2 of the Act.

SECTION 10. Upon a determination by this Council, after the canvass of the returns of the election contemplated in Sections 13 and 14 hereof, that at least two-thirds (2/3) of the votes cast upon the question of levying the special tax were in favor thereof, the City Clerk shall record the notice of special tax lien provided for in Section 3114.5 of the California Streets

and Highways Code. Upon recordation of the notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the District, and this lien shall continue in force and effect until collection of the tax by this Council ceases.

SECTION 11. All prior proceedings taken with respect to the establishment of the District were valid and in conformity with the requirements of the Act.

SECTION 12. In accordance with Section 53325.7 of the Act, the annual appropriations limit of the District, as defined by subdivision (h) of Section 8 of Article XIIIB of the California Constitution, is hereby preliminarily established at $300,000, and such annual appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing the appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

SECTION 13. (a) This Council hereby calls a special election and submits the question of levying the special tax, and the establishment of the annual appropriations limit for the District in connection therewith, to the qualified electors within the District, in accordance with and subject to the Act, the terms of which shall, unless waived as herein provided, be applicable to such election. The propositions shall be combined in a single ballot measure, substantially in the form set forth in Exhibit D hereto and by this reference incorporated herein.

(b) Fewer than twelve (12) persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the hearing referenced herein. Accordingly, for the purposes of these proceedings, the qualified electors shall be the landowners within the District; the vote shall be by the landowners or their authorized representatives; each having one vote for each acre or portion thereof that such landowner owns in the District as of the close of the hearing; and the ballots for the special election shall be distributed by mail with return postage prepaid or by personal service to each such landowner; all as provided in Section 53326 of the Act.

(c) The Council hereby designates the City Clerk and the City Clerk hereby agrees to serve as the election official to conduct the election. The Stanislaus County Registrar of Voters has concurred in the City's designation of its City Clerk as the election official. The shortening of the election as herein provided is hereby concurred in by the City Clerk.

(d) If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by all of the owners of land included in the District (collectively, the "Landowners") on or before the 7th day of July, 1998, the election shall be held on the 7th day of July, 1998, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots from all Landowners. Otherwise, the election shall be held on the first Tuesday after that date which is 90 days after the date this Resolution is adopted.

(e) Unless waived with the consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in Section 53327(b) of the Act. The election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws.

(f) The publication of this Resolution as notice of the special election is hereby waived provided the City Clerk shall receive consent to such waiver from the landowners.

SECTION 14. This Council hereby further directs that the election at which the question of levying the special tax and the establishment of an appropriations limit in connection therewith is submitted to the qualified electors within the District shall be consolidated with the election at which the question of incurring a bonded indebtedness in an aggregate principal amount not to exceed two million, twenty-five thousand dollars ($2,025,000) for the District, as set forth in Resolution No. 98-263, is submitted to the qualified electors with the District, and the question of levying the special tax shall be combined in one ballot proposition with the question of incurring such bonded indebtedness and the question of establishing an appropriations limit for the District, all as provided by the Act; and this Council further directs that the resolution adopted by this Council determining the necessity to incur such bonded indebtedness shall constitute the notice of the consolidated election on the combined proposition of authorizing the levy of the special tax, of establishing an appropriations limit, and of incurring such bonded indebtedness. However, the giving of such notice is waived if the City Clerk shall receive

unanimous consent to such waiver from the Landowners.

SECTION 15. If two-thirds (2/3) of the votes cast upon the question of levying the special tax are cast in favor of levying the tax, as determined by this Council after the canvass of the returns of such consolidated election, this Council may levy the special tax within the territory of the District in the amount and for the purposes as specified in this Resolution. The special tax may be levied only at the rate and may be apportioned only in the manner specified in this Resolution, subject to the Act, except that the special tax may be levied at a lower rate.

SECTION 16. The City Clerk, as the designated election official, shall, within three business days after its adoption, obtain a certified copy of this Resolution; the City Clerk has previously been provided with a map of the boundaries of the District, a sufficient description from which to determine the boundaries of the District, and the assessor's parcel numbers for the land within the District.

SECTION 17. The Council hereby determines that the formation of the proposed District is categorically exempt from the provisions of C.E.Q.A. pursuant to Section 15320 of the C.E.Q.A. guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-1

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX

EXHIBIT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-1
(ENTERPRISE BUSINESS PARK)

RATE, METHOD OF APPORTIONMENT AND MANNER OF COLLECTION OF SPECIAL TAX

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1998-1 (herein "CFD No. 1998-1") shall be levied and collected according to the tax liability determined by the City, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1998-1, unless exempted by law except as provided in Section I below, shall be taxed for the purposes, to the extent, and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Administrator" shall mean the person or firm designated by the City to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax.

"Annual Administrative Expenses" means the annual cost of any or all of the following: the fees and expenses of any fiscal agent or trustee (including any fees or expenses of its counsel) employed in connection with any Bonds of CFD No. 1998-1; the expenses of the City associated with carrying out its duties for such Bonds, including, but not limited to, the levy and collection of Special Tax, the fees and expenses of its counsel, amounts needed to pay rebate to the federal government with respect to any of such Bonds, and costs associated with continuing disclosure; and all other costs and expenses of the City in any way related to the establishment and administration of CFD No. 1998-1. The total Annual Administrative Expenses may be collected as a part of the Facilities Special Tax Requirement, Maintenance Special Tax Requirement or both, but in no event shall the total amount collected in any Calendar Year exceed the total estimated expenses for that year.

"Annual Maintenance Special Tax Requirement" means the amount necessary in any Calendar Year (i) to pay for authorized maintenance expenses, (ii) to pay Annual Administrative Expenses, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in the prior Quarter or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Quarter in which the tax will be collected.

"Assessor's Parcel" or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel number at the time tax bills are prepared by the City to levy Special Taxes within the CFD. A Parcel which has been created by the recordation of a final subdivision map at least sixty (60) days prior to the start of any Quarter, but for which an Assessor's Parcel number has not yet been assigned, may also be considered an Assessor's Parcel for purposes of Section B.

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

"Bonds" means any bonds or other debt (as defined in Section 53317(d) of the Act), whether in one or more series, issued by the City for CFD No. 1998-1.

"Bond Maturity Date" means the date on which the Bonds mature as identified in the Bond sale documents.

"Bond Maturity Quarter" means the Quarter immediately preceding the Bond Maturity Date.

"Bond Maturity Special Tax" means the Maximum Facilities Special Tax that can be levied in the Bond Maturity Quarter.

"Calendar Year" means the period commencing on January 1 and ending on December 31 of any given year.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1998-1.

"County" means the County of Stanislaus.

"Delinquent Parcel" means any Parcel of Taxable Property for which Special Taxes have not been collected within ten (10) days after the date on which the Special Taxes were due as indicated on the tax bill sent by the City.

"Facilities Special Tax" means a Special Tax levied in any Quarter to pay the Facilities Special Tax Requirement.

"Facilities Special Tax Requirement" means the amount necessary in any Quarter (i) to pay interest on the Bonds for the preceding Quarter (and, in the Bond Maturity Quarter, to pay interest and principal on the Bonds in the following Quarter), (ii) to pay any additional interest costs required to bring the Interest Expense Account to its full amount after depositing the amount for the previous

Quarter's interest payment, (iii) to pay one-fourth (1/4) of the Annual Administrative Expenses, and (iv) to cure any delinquencies in the payment of principal or interest on indebtedness of CFD No. 1988-1 which have occurred in the prior Quarter and which have not yet been cured from a draw on the Letter of Credit. The Facilities Special Tax Requirement shall be reduced by the following: (i) any credit from interest earnings on the Interest Expense Account or other Bond funds the earnings on which are available to pay debt service on the Bonds, (ii) proceeds of Special Tax prepayments which are not used or reserved to redeem Bonds, and (iii) the collection of delinquent Special Taxes and associated penalties.

"Interest Expense Account" means an amount equal to 150 days of interest on the Bonds assuming an annual interest rate of twelve percent (12%).

"Letter of Credit" means the letter of credit relating to the Bonds which shall be issued by a qualified bank, delivered on the closing date of the Bonds, and name the trustee for the Bonds as beneficiary. "Letter of Credit" shall also mean any substitute letter of credit that is issued in the future to replace all or a portion of the original letter of credit issued when Bonds are first sold for CFD No. 1998-1.

"Maintenance Special Tax" means a Special Tax levied in any Quarter to pay a portion of the Annual Maintenance Special Tax Requirement.

"Maximum Quarterly Facilities Special Tax" means the maximum Facilities Special Tax that can be collected in any Quarter, not including the Bond Maturity Quarter, to pay the Facilities Special Tax Requirement.

"Maximum Quarterly Facilities Special Tax Revenues" means the total amount of Facilities Special Tax that can be collected in any Quarter by levying the Maximum Quarterly Facilities Special Tax or the Bond Maturity Special Tax against all Taxable Property within the CFD.

"Maximum Quarterly Maintenance Special Tax" means the Maximum Special Tax that can be levied in any Quarter to pay a portion of the Annual Maintenance Special Tax Requirement.

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

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

"Quarter" means each of the four three-month periods beginning January 1, April 1, July 1 and October 1 of any Calendar Year.

"Taxable Property" means, in any Quarter, all Parcels within CFD No. 1998-1 that are not exempt from the Special Tax pursuant to law except as provided in Section I below.

B. IDENTIFICATION OF TAXABLE PROPERTY

Thirty (30) days prior to the beginning of each Quarter, the Administrator shall prepare a list of Assessor's Parcels within the CFD and shall identify the Acreage for all Parcels of Taxable Property against which a Special Tax will be levied in the upcoming Quarter. The Administrator shall also identify the name and address for the record owner of the Parcel to whom the Special Tax bill shall be sent.

C. MAXIMUM SPECIAL TAX

1. Maximum Quarterly Facilities Special Tax

The Maximum Quarterly Facilities Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $1,019 per Acre.

2. *Bond Maturity Special Tax*

The Bond Maturity Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $32,601 per Acre.

3. Maximum Quarterly Maintenance Special Tax

The Maximum Quarterly Maintenance Special Tax for all Parcels of Taxable Property in CFD No. 1998-1 is $21.53 per Acre in Calendar Year 1998. Beginning in January 1999 and each January 1 thereafter, the Maximum Quarterly Maintenance Special Tax shall be adjusted by applying the increase, if any, in the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available. Each annual adjustment of the Maximum Quarterly Maintenance Special Tax shall become effective immediately after the adjustment is made.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

Thirty (30) days prior to the start of a given Quarter, the Administrator shall calculate the Facilities Special Tax Requirement for the Quarter. If the levy is for other than the Bond Maturity Quarter, the Administrator shall levy a Special Tax, not to exceed the Maximum Quarterly Facilities Special Tax set forth in Section C.1 above, in an equal amount on each Acre of Taxable Property in the CFD until the amount of the levy equals the Facilities Special Tax Requirement for that Quarter.

In the Bond Maturity Quarter, the Administrator shall levy a Special Tax, not to exceed the Bond Maturity Special Tax set forth in Section C.2 above, in an equal amount on each Acre of Taxable Property until the amount of the levy equals the Facilities Special Tax Requirement for the Bond Maturity Quarter.

2. Maintenance Special Tax

Commencing in 1998 and each following Calendar Year, the Administrator shall determine, or shall cause to be determined, the Annual Maintenance Special Tax Requirement for that Calendar Year. The Administrator shall then levy a Maintenance Special Tax, not to exceed the Maximum Quarterly Maintenance Special Tax set forth in Section C.3 above, in an equal amount on each Acre of Taxable Property in the CFD until the amount of the levy equals one-fourth (1/4) of the Annual Maintenance Special Tax Requirement calculated for that Calendar Year.

E. TERMINATION OF SPECIAL TAX

The Maximum Quarterly Facilities Special Tax shall be levied and collected until the Bond Maturity Quarter which shall, in no event, occur later than Calendar Year 2030. The Bond Maturity Special Tax shall be levied and collected in the Bond Maturity Quarter, which shall begin no later than July 1, 2030. The Maximum Quarterly Maintenance Special Tax shall continue to be levied unless and until the City determines that revenues from the Maintenance Special Tax are no longer needed to pay for authorized maintenance services.

F. MANNER OF COLLECTION

All Special Taxes shall be directly billed and collected by the Administrator on a Quarterly basis. Tax bills shall be mailed within seven (7) working days after the start of each Quarter and shall be due and payable within twenty-three (23) days after bills have been mailed. On the day the Quarterly tax bills are mailed, the tax bills shall also be sent via facsimile to each record owner for whom the Administrator is able to obtain a facsimile number; however, failure to fax a tax bill shall in no way affect the obligation of the owner to pay the Special Tax indicated in the amount and by the date indicated on the bill. Notwithstanding the above, after the Bond Maturity Date, the City may elect to levy the Maintenance Special Tax in the same manner and at the same time as ordinary ad valorem property taxes in an annual amount not to exceed four times the then current Maximum Quarterly Maintenance Special Tax.

G. ENFORCEMENT

1. Facilities Special Tax

If a Parcel becomes a Delinquent Parcel, the Bonds secured by the Maximum Facilities Special Tax levied on the Parcel shall be called from proceeds generated from a draw on the Letter of Credit. The following steps shall be applied to implement the call of Bonds:

Step Number:

1. Using the prepayment formula set forth in Section H below, the Administrator shall calculate the Prepayment Amount associated with the Delinquent Parcel.

2. The Administrator shall notify the Trustee of the Prepayment Amount calculated in Step 1.

3. The Trustee shall draw on the Letter of Credit in an amount equal to the Prepayment Amount and shall use the proceeds of the draw to retire Bonds secured by Special Taxes on the Delinquent Parcel.

4. The Administrator shall direct the County Recorder to record a Notice of Cessation of Special Tax against the Delinquent Parcel, which shall state that the obligation to pay the Facilities Special Tax has ceased, but the Maximum Quarterly Maintenance Special Tax shall continue to be levied against the Delinquent Parcel. After recordation of the Notice of Cessation of Special Tax, the Delinquent Parcel will no longer be subject to the Facilities Special Tax levy.

2. Maintenance Special Tax

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

H. PREPAYMENT OF FACILITIES SPECIAL TAX

Only the Facilities Special Tax may be prepaid; the Maintenance Special Tax shall continue to be levied on an annual basis on all Taxable Property in the CFD.

The Facilities Special Tax obligation applicable to an Assessor's Parcel in CFD No. 1998-1 may be prepaid and the obligation of the Assessor's Parcel to pay the Facilities Special Tax permanently satisfied as described herein, provided that a voluntary prepayment may be made only if there are no delinquent Special Taxes with respect to such Assessor's Parcel at the time of prepayment.

Notwithstanding the above, the Facilities Special Tax shall be immediately prepaid from the proceeds of a draw on the Letter of Credit if a Parcel becomes a Delinquent Parcel.

For voluntary prepayments, an owner of an Assessor's Parcel intending to prepay the Facilities Special Tax obligation shall provide the City with written notice of intent to prepay. Within 30 days of receipt of such written notice, the City shall notify the owner of the required prepayment amount. Prepayment must be made not less than 60 days prior to any redemption date for Bonds to be redeemed with the proceeds of such prepaid Facilities Special Taxes.

The **"Prepayment Amount"** shall be calculated as follows (capitalized terms as defined below):

Bond Redemption Amount	
plus	Redemption Premium
plus	Defeasance
plus	Administrative Fees and Expenses
less	Interest Expense Account Credit
equals	Prepayment Amount

As of the proposed date of prepayment or upon notification from the Administrator that a Parcel has become a Delinquent Parcel, the Prepayment Amount shall be determined by applying the following steps:

Step Number:

1. Compute the total Maximum Quarterly Facilities Special Tax that could be collected from the Assessor's Parcel prepaying the Facilities Special Tax in the Quarter in which the prepayment will be received by the City.

2. Divide the Maximum Quarterly Facilities Special Tax computed pursuant to Step 1 for such Assessor's Parcel by the Maximum Quarterly Facilities Special Tax Revenues that can be generated in the Quarter in which the prepayment will be received by the City.

3. Multiply the quotient computed pursuant to Step 2 by the principal amount of Bonds that remain outstanding when the Prepayment Amount is calculated to determine the amount of Bonds to be redeemed (*the "**Bond Redemption Amount**"*).

4. Multiply the Bond Redemption Amount computed pursuant to Step 3 by the applicable redemption premium, if any, on the Bonds to be redeemed (*the "**Redemption Premium**"*).

5. Compute the amount needed to pay interest on the Bond Redemption Amount from the last interest payment date on the Bonds until the earliest redemption date on the Bonds.

6. Identify the amount of Facilities Special Taxes levied with respect to the Assessor's Parcel during the current Quarter. If the current Quarter's Facilities Special Tax for that Parcel has not been paid, the amount of such Facilities Special Tax shall be included in the Prepayment Amount.

7. Compute the amount the City reasonably expects to derive from the reinvestment of the Bond Redemption Amount plus the Redemption Premium until the redemption date for the outstanding Bonds that the City expects to redeem with the prepayment.

8. Take the amount computed pursuant to Step 4, add the amounts calculated in Steps 5 and 6, and subtract the amount computed pursuant to Step 7 (*the "**Defeasance**"*).

9. The administrative fees and expenses of CFD No. 1988-1 are as calculated by the City and include the costs of computing the prepayment, the costs of redeeming Bonds, and the costs of recording any notices to evidence the prepayment and the redemption (*the "**Administrative Fees and Expenses**"*). For a Delinquent Parcel, the Administrative Fees and Expenses shall also include any costs associated with the draw on the Letter of Credit.

10. An Interest Expense Account credit shall be calculated as a reduction in the required Interest Expense Account for the Bonds to be redeemed pursuant to the prepayment (the "***Interest Expense Account Credit***").

11. The Special Tax prepayment is equal to the sum of the amounts computed pursuant to Steps 3, 4, 8, and 9, less the amount computed pursuant to Step 10 *(the "**Prepayment Amount**").*

I. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Tax shall be levied on property owned by a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

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EXHIBIT B
DESCRIPTION OF FACILITIES

The development of the Enterprise Business Park will require public streets, water system, sanitary sewer and storm drainage improvements. The project will also require new service extensions for electric power, natural gas and telephone connections. Street improvements include asphaltic concrete, pavement and base, concrete curb, gutter and sidewalk, street lighting, irrigation line reconstruction, sound wall installation (masonry wall), signage, striping and landscaping.

The streets to be improved include Morgan Road, Nelson Way, the new cul-de-sac Rockefeller Court, the extension of Glenn Avenue to the east and Crows Landing Road. In addition to the streets to be improved, water and sewer main extensions will be required from the end of the new cul-de-sac, Rockefeller Court, through proposed easements to and across the Union Pacific Railroad.

EXHIBIT B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-1

DETAILED PUBLIC FACILITY COST ESTIMATES

mid-valley engineering
A Professional Corporation
Land Planning • Engineering • Surveying
900 "H" Street, Suite G • Modesto, CA 95354 • (209) 526-4214 • FAX (209) 526-0803

12-Feb-98
JOB 70-960

SUMMARY
PRELIMINARY ENGINEER'S ESTIMATE
FOR
ENTERPRISE BUSINESS PARK

I. MORGAN ROAD IMPROVEMENTS		$147,545.05
II. NELSON WAY IMPROVEMENTS		$218,107.05
III. ROCKEFELLER COURT IMPROVEMENTS		$620,062.00
IV. EAST GLENN AVENUE IMPROVEMENTS		$263,358.00
V. CROWS LANDING ROAD IMPROVEMENTS		$5,072.50
VI. AGENCY FEES - EAST AREA		$201,708.26
VII. AGENCY FEES - WEST AREA		$67,952.37
	SUB-TOTAL	$1,523,805.23
10% CONTINGENCY		$152,380.52
	GRAND TOTAL	$1,676,185.75

12-Feb-98
JOB 70-960

PRELIMINARY ENGINEER'S ESTIMATE
FOR
ENTERPRISE BUSINESS PARK

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	MORGAN ROAD IMPROVEMENTS				
A.	SITE PREPARATION				
1.	SAWCUT EXISTING PAVEMENT	1,083	LF	$1.00	$1,083.00
2.	REMOVE EXISTING PAVEMENT	2,071	SF	$0.50	$1,035.50
			SUB-TOTAL		$2,118.50
B.	STORM DRAINAGE				
1.	CATCH BASIN, SINGLE ROCKWELL	4	EA	$3,000.00	$12,000.00
			SUB-TOTAL		$12,000.00
C.	STREET WORK				
1.	STREET GRADING AND SUBGRADE PREPARATION	54,150	SF	$0.20	$10,830.00
2.	6" VERTICAL CURB AND GUTTER	876	LF	$9.00	$7,884.00
3.	4" CONCRETE SIDEWALK	4,380	SF	$1.76	$7,708.80
4.	0.5' A.C. OVER 0.35' A.B.	30,865	SF	$1.75	$54,013.75
			SUB-TOTAL		$80,436.55
D.	STREET LIGHTING (ALL ITEMS SHALL INCLUDE CONDUIT AND CABLE)				
1.	28' STANDARD, 200W H.P.S. LUMINAIRE	3	EA	$3,000.00	$9,000.00
2.	RELOCATE EXISTING UTILITY POLE	6	EA	$2,000.00	$12,000.00
			SUB-TOTAL		$21,000.00
E.	IRRIGATION FACILITIES				
1.	REMOVE EXISTING IRRIGATION LINE AND APPURTENANCES	305	LF	$7.00	$2,135.00
2.	36" CLASS III R.C.P.	361	LF	$55.00	$19,855.00
3.	IRRIGATION PRESSURE MANHOLES	2	EA	$5,000.00	$10,000.00
			SUB-TOTAL		$31,990.00
			MORGAN ROAD TOTAL =====>		$147,545.05
II.	NELSON ROAD IMPROVEMENTS				
A.	SITE PREPARATION				
1.	SAWCUT EXISTING PAVEMENT	1,090	LF	$1.00	$1,090.00
2.	REMOVE EXISTING PAVEMENT	5,450	SF	$0.50	$2,725.00
			SUB-TOTAL		$3,815.00

Preliminary Engineer's Estimate
Enterprise Business Park
February 12, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
B.	STORM DRAINAGE				
1.	CATCH BASIN, SINGLE ROCKWELL	3	EA	$3,000.00	$9,000.00
			SUB-TOTAL		$9,000.00
C.	STREET WORK				
1.	STREET GRADING AND SUBGRADE PREPARATION	38,605	SF	$0.20	$7,721.00
2.	6" VERTICAL CURB AND GUTTER	1,115	LF	$9.00	$10,035.00
3.	4" CONCRETE SIDEWALK ONLY	137	SF	$1.75	$239.75
4.	WHEELCHAIR RAMP (LABOR ONLY)	1	EA	$350.00	$350.00
5.	0.2' A.C. OVER 0.35' A.B.	18,285	SF	$1.50	$27,427.50
			SUB-TOTAL		$45,773.25
D.	MISCELLANEOUS				
1.	8' DECORATIVE MASONRY WALL	2,600	LF	$55.00	$143,000.00
2.	STREET LANDSCAPING (ALONG NELSON AVE.)	5,590	SF	$2.50	$13,975.00
3.	WALL VINES	1,106	LF	$2.30	$2,543.80
			SUB-TOTAL		$159,518.80
			NELSON WAY TOTAL =====>		$218,107.05

III. ROCKEFELLER COURT IMPROVEMENTS, SANITARY SEWER AND WATER MAIN EXTENSIONS

A.	SITE PREPARATION				
1.	CLEARING AND GRUBBING	3.6	AC	$7,000.00	$25,200.00
			SUB-TOTAL		$25,200.00
B.	SANITARY SEWER				
1.	15" V.C.P.	2,998	LF	$25.00	$74,950.00
2.	MANHOLE, STANDARD	8	EA	$2,500.00	$20,000.00
3.	MANHOLE, TERMINAL	1	EA	$1,800.00	$1,800.00
4.	6" LATERAL ONLY	11	EA	$1,000.00	$11,000.00
5.	CONNECT TO EXISTING SEWER	1	EA	$1,000.00	$1,000.00
			SUB-TOTAL		$108,750.00
C.	WATER SYSTEM				
1.	8" SERVICE STUB	11	EA	$2,500.00	$27,500.00
2.	4" SERVICE STUB	11	EA	$2,300.00	$25,300.00
			SUB-TOTAL		$52,800.00

Preliminary Engineer's Estimate
Enterprise Business Park
February 12, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
D.	STORM DRAINAGE				
1.	CATCH BASIN, SINGLE ROCKWELL	11	EA	$3,000.00	$33,000.00
			SUB-TOTAL		$33,000.00
E.	STREET WORK				
1.	STREET GRADING AND SUBGRADE PREPARATION	127,800	SF	$0.20	$25,560.00
2.	6" VERTICAL CURB AND GUTTER	4,058	LF	$9.00	$36,522.00
3.	4" CONCRETE SIDEWALK (5')	20,290	SF	$1.75	$35,507.50
4.	WHEELCHAIR RAMP (LABOR ONLY)	2	EA	$350.00	$700.00
5.	0.4' A.C. OVER 0.49' A.B.	82,670	SF	$1.75	$144,672.50
			SUB-TOTAL		$242,962.00
F.	STREET LIGHTING (ALL ITEMS SHALL INCLUDE CONDUIT AND CABLE)				
1.	28' STANDARD, 200W H.P.S. LUMINAIRE	6	EA	$3,000.00	$18,000.00
			SUB-TOTAL		$18,000.00
G.	MISCELLANEOUS				
1.	BORE AND JACK 15" PIPE	150	LF	$150.00	$22,500.00
2.	UNION PACIFIC RAILROAD PERMITTING	1	LS	$1,000.00	$1,000.00
			SUB-TOTAL		$23,500.00
H.	UTILITIES				
1.	ELECTRICAL	1	EST	$35,000.00	$35,000.00
2.	GAS	1	EST	$17,500.00	$17,500.00
3.	TELEPHONE	1	EST	$28,350.00	$28,350.0(
4.	TRENCHING	1	EST	$35,000.00	$35,000.0(
			SUB-TOTAL		$115,850.0(
			ROCKEFELLER COURT TOTAL =====>		$620,062.0
IV.	EAST GLENN AVENUE IMPROVEMENTS				
A.	SITE PREPARATION				
1.	CLEARING AND GRUBBING	1.9	AC	$7,000.00	$13,300.(
			SUB-TOTAL		$13,300.(
B.	SANITARY SEWER				
1.	MANHOLE, STANDARD	2	EA	$2,500.00	$5,000.(
2.	6" LATERAL ONLY	5	EA	$1,000.00	$5,000.
			SUB-TOTAL		$10,000.

Preliminary Engineer's Estimate
Enterprise Business Park
February 12, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	WATER SYSTEM				
1.	8" SERVICE STUB	6	EA	$2,500.00	$15,000.00
2.	4" SERVICE STUB	6	EA	$2,300.00	$13,800.00
			SUB-TOTAL		$28,800.00
D.	STORM DRAINAGE				
1.	CATCH BASIN, SINGLE ROCKWELL	4	EA	$3,000.00	$12,000.00
			SUB-TOTAL		$12,000.00
E.	STREET WORK				
1.	STREET GRADING AND SUBGRADE PREPARATION	68200	SF	$0.20	$13,640.00
2.	6" VERTICAL CURB AND GUTTER	1,652	LF	$9.00	$14,868.00
3.	4" CONCRETE SIDEWALK (5')	8,260	SF	$1.75	$14,455.00
4.	0.45' A.C. OVER 0.35' A.B.	48,000	SF	$1.65	$79,200.00
5.	REMOVE EXISTING CURB AND GUTTER	105	LF	$5.00	$525.00
6.	2' x 4' HEADERBOARD	1,607	LF	$2.00	$3,214.00
			SUB-TOTAL		$125,902.00
F.	STREET LIGHTING (ALL ITEMS SHALL INCLUDE CONDUIT AND CABLE)				
1.	28' STANDARD, 200W H.P.S. LUMINAIRE	5	EA	$3,000.00	$15,000.00
2.	RELOCATE UTILITY POLE	1	EA	$2,000.00	$2,000.00
			SUB-TOTAL		$17,000.00
G.	IRRIGATION FACILITIES				
1.	REMOVE 36" IRRIGATION PIPE AND STRUCTURES	958	LF	$7.00	$6,706.00
			SUB-TOTAL		$6,706.00
H.	UTILITIES				
1.	ELECTRICAL	1	EST	$15,000.00	$15,000.00
2.	GAS	1	EST	$7,500.00	$7,500.00
3.	TELEPHONE	1	EST	$12,150.00	$12,150.00
4.	TRENCHING	1	EST	$15,000.00	$15,000.00
			SUB-TOTAL		$49,650.00
			EAST GLENN AVENUE TOTAL =====>		$263,358.00

Preliminary Engineer's Estimate
Enterprise Business Park
June 27, 1997

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
V.	CROWS LANDING ROAD IMPROVEMENTS				
A.	STREET WORK				
1.	4" CONCRETE SIDEWALK ONLY	1,030	SF	$1.75	$1,802.50
2.	REMOVE EXISTING DRIVEWAY	225	SF	$1.20	$270.00
				SUB-TOTAL	$2,072.50
B.	STREET LIGHTING (ALL ITEMS SHALL INCLUDE CONDUIT AND CABLE)				
1.	28' STANDARD 200WATT	1	EA	$3,000.00	$3,000.00
				SUB-TOTAL	$3,000.00
				CROWS LANDING ROAD TOTAL =====>	$5,072.50
VI.	AGENCY FEES - EAST AREA				
A.	CITY OR COUNTY FEES				
1.	CHECKING AND RECORDING	1	EST	$261.00	$261.00
2.	STREET SIGNS	1	EST	$700.00	$700.00
3.	SEWER FEES			PREVIOUSLY PAID BY OTHERS	
4.	WATER SYSTEM FEE	1	EST	$112,086.52	$112,086.52
5.	WATER MAIN CONNECTION CHARGE	1	EST	$88,450.74	$88,450.74
6.	MONUMENT DEPOSIT	1	EST	$210.00	$210.00
				SUB-TOTAL	$201,708.26
				AGENCY FEES - EAST AREA TOTAL =====>	$201,708.26
VII.	AGENCY FEES - WEST AREA				
A.	CITY OR COUNTY FEES				
1.	CHECKING AND RECORDING	1	EST	$261.00	$261.00
2.	STREET SIGNS	1	EST	$700.00	$700.00
3.	SEWER FEES			PREVIOUSLY PAID BY OTHERS	
4.	WATER SYSTEM FEE	1	EST	$33,740.21	$33,740.21
5.	WATER MAIN CONNECTION CHARGE	1	EST	$33,041.16	$33,041.16
6.	MONUMENT DEPOSIT	1	EST	$210.00	$210.00
				SUB-TOTAL	$67,952.37
				AGENCY FEES - WEST AREA TOTAL =====>	$67,952.37
				CONSTRUCTION AND FEE TOTAL =====>	$1,523,805.23
				10% CONTINGENCY =====>	$152,380.52
				GRAND TOTAL =====>	$1,676,185.75

SPECIFIC NOTES:

1. THIS ESTIMATE IS BASED ON A PRELIMINARY SET OF IMPROVEMENT PLANS NOT YET APPROVED BY CITY OF MODESTO. CHANGES OR INCREASES REQUIRED BY GOVERNING AGENCIES OR UTILITY COMPANIES MAY OCCUR WHEN PLANS ARE FINALIZED.

2. NOT INCLUDED IN THIS ESTIMATE ARE: COUNTY FEES, ENGINEERING, SURVEYING, BUILDING PERMIT FEES, INSPECTION FEES, OR ANY FEES COLLECTED AT THE BUILDING PERMIT STAGE.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-331

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO DETERMINING THE NECESSITY TO INCUR A BONDED INDEBTEDNESS WITHIN PROPOSED COMMUNITY FACILITIES DISTRICT NO. 1998-1 (ENTERPRISE BUSINESS PARK) AND CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE PROPOSITION TO THE QUALIFIED ELECTORS OF THE DISTRICT

WHEREAS, Marvin L. Oates, as the owner of at least 10% of the property in the proposed District, has filed with the City Clerk of the City of Modesto (the "City") a petition and supplement thereto, requesting the City Council (the "Council") to form Community Facilities District No. 1998-1 of the City (the "District"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act") in order: (i) to finance the construction and acquisition of certain street improvements, water, sewer and storm drainage improvements, and service extensions for electric power, natural gas and telephone connections, including planning, design and engineering costs and all other expenses incidental thereto (the "Facilities"); and (ii) to finance certain services (the "Services"); and

WHEREAS, on May 19, 1998, this Council (the "Council") adopted its Resolution No. 98-262, entitled "A Resolution of the City Council of the City of Modesto of Intention to Establish Community Facilities District No. 1998-1 (Enterprise Business Park) and to Authorize the Levy of a Special Tax within the Proposed District" (the "Resolution of Intention to Establish the District") stating its intention to form Community Facilities District No. 1998-1 (the "District")

pursuant to Chapter 2.5 of Part 1 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act");

WHEREAS, on such date this Council also adopted its Resolution No. 98-263, entitled "A Resolution of the City Council of the City of Modesto of Intention to Incur Bonded Indebtedness in an Amount not to Exceed $2,025,000 within Proposed Community Facilities District No. 1998-1 (Enterprise Business Park)" (the "Resolution of Intention to Incur Indebtedness") stating its intention to incur bonded indebtedness within the boundaries of the District for the purpose of financing the Facilities described in the Resolution of Intention to Establish the District and all costs incidental thereto;

WHEREAS, this Council did, on June 23, 1998, hold the public hearing, as required by the Act relative to the formation of the District, the provision of the Facilities and Services specified in the Resolution of Intention to Establish the District, and the rate, method of apportionment, and manner of collection of the special tax to be levied within the District;

WHEREAS, this Council did, on June 23, 1998, also hold a public hearing as required by the Act relative to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness;

WHEREAS, subsequent to the hearings, this Council adopted its Resolution No. 98-330, entitled "A Resolution of the City Council of the City of Modesto of Formation, Establishing Community Facilities District No. 1998-1 (Enterprise Business Park), Authorizing the Levy of a

Special Tax within the District, Preliminarily Establishing an Appropriations Limit for the District and Calling and Election for the Purpose of Submitting the Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), which described the Facilities and Services to be financed;

WHEREAS, no written protests with respect to the matters material to the questions set forth in the Resolution of Intention to Incur Indebtedness were filed with the City Clerk as of the closing of the hearing thereon;

WHEREAS, this Council did, in the Resolution of Formation, and in accordance with Sections 53325.7 and 53353.5 of the Act, determine to consolidate the election on the levy of the special tax and the establishment of an appropriations limit for the District with the election on whether to incur a bonded indebtedness in the District;

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than 12 registered voters residing in the District (the Registrar of Voters certified there are no registered voters in the District); accordingly, the qualified electors in the District are the landowners; and

WHEREAS, the City Clerk, being this Council's designated election official for purposes of such election, has concurred in the date herein set forth for the election.

NOW, THEREFORE, the Council hereby finds and determines and orders as follows:

1. The foregoing recitals are true and correct.

2. This Council deems it necessary to incur bonded indebtedness.

3. The indebtedness will be incurred for the purpose of financing the construction and/or acquisition of certain public facilities (the "Facilities"), having a useful life of five years or longer, and the paying of incidental expenses thereof.

4. The whole of the District shall pay for the bonded indebtedness.

5. The amount of bonded indebtedness to be incurred is not to exceed $2,025,000.

6. The maximum term of the bonds of any series shall not exceed thirty (30) years from their date.

7. The bonds shall bear interest at rate or rates not to exceed the maximum rate permitted by law at the time the bonds are issued, payable semiannually or in such other manner as this Council shall determine, the actual rate or rates and times of payment of such interest to be determined by this Council at the time or times the bonds are issued.

8. The proposition of incurring the bonded indebtedness shall be submitted to the voters of the District and, pursuant to Section 53353.5 of the Act and the Resolution of Formation, the propositions on the levy of a special tax, the establishment of an appropriations limit, and whether to incur the bonded indebtedness shall be combined in a single ballot measure. In accordance with Section 53327(b) of the Act, analysis and arguments as provided in Section 53327(a) of the Act are hereby waived subject to the unanimous consent of the owners of all the land within the District (the "Landowners"), as herein provided.

9. A special consolidated election is hereby called at which the measures referenced in Section 8 shall be submitted to the qualified electors of the District. The election shall be held in accordance with and subject to the Act, all the terms of which shall, unless waived as herein provided, be applicable to the election.

10. Fewer than twelve (12) persons have been registered to vote within the territory of the District for the ninety (90) days preceding the close of the hearings on the special tax levy and the proposed bonded indebtedness. Accordingly, the vote shall be by the Landowners of the District, and each such Landowner shall have one vote for each acre or portion thereof that he or she owns within the District. The City Clerk shall canvass the returns and certify the results of the election to this Council.

If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by each of the Landowners on or before the 7th day of July, 1998, the election shall be held on the 7th day of July, 1998, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots from all Landowners. Otherwise, the election shall be held on the first Tuesday after that date which is 90 days after the date this Resolution is adopted. The election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws.

The hour on such date when the ballots are required to be received in the office of the City Clerk is 5:00 p.m. Pacific Time. If all qualified electors have voted prior to such time, the election shall be closed.

11. If two-thirds (2/3) of the votes cast upon the question of incurring the bonded indebtedness are cast in favor of the indebtedness, this Council may thereafter, at the time or times it deems proper, incur the indebtedness so authorized.

12. The publication of this resolution as notice of special bond election is hereby waived provided the City Clerk shall receive unanimous consent to such waiver from the Landowners.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-332

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY INC. FOR THE PROJECT TITLED "SCADA SYSTEM ADDITIONS PROJECT - PHASE III"

WHEREAS, the bids received for SCADA System Additions Project - Phase III were opened at 11;00 a.m. on June 9, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Collins Electrical Company Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $49,666.00 from Collins Electrical Company Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-333

A RESOLUTION ACCEPTING THE BID OF RICK ARMSTRONG ENGINEERING AND BUILDING CONTRACTOR INC. FOR THE PROJECT TITLED "BUS YARD FUEL FACILITY REPLACEMENT"

WHEREAS, the bids received for Bus Yard Fuel Facility Replacement were opened at 11:00 a.m. on June 16, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Rick Armstrong Engineering and Building Contractor Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $257,500 from Rick Armstrong Engineering and Building Contractor Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-334

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CENTER FOR HR LEADERSHIP FOR PERSONNEL SYSTEMS REDESIGN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Center for HR Leadership for Personnel Systems Redesign be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-335

A RESOLUTION APPROVING RECOMMENDATIONS CONCERNING REALIGNMENT OF THE KANSAS-NEEDHAM OVER-CROSSING TO CONNECT WITH THE NEW STATE HIGHWAY 132, AND ENDORSING THE PRIORITY OF THE KANSAS-NEEDHAM PROJECT OVER THE TUOLUMNE BOULEVARD EXTENSION.

WHEREAS, City staff presented a report dated June 11, 1998, from the Engineering and Transportation Director to the City Council, recommending that the Council direct the Engineering and Transportation Department to realign the Kansas-Needham Over-crossing to connect with the new State Highway 132 and that the Council endorse the priority of the Kansas-Needham Project over the Tuolumne Boulevard Extension Project, a copy of said report is on file in the Office of the City Clerk, and

WHEREAS, at the April 1, 1998, Transportation Policy Committee meeting, that Committee agreed with the Staff's recommendation to prioritize the Kansas-Needham Over-crossing project over the Tuolumne Boulevard Extension project, and

WHEREAS, said recommendations were considered by the City Council at its meeting held on June 23, 1998,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council does hereby approve the Staff recommendations as set forth in the report from the Engineering and Transportation Director, dated June 11, 1998, a copy of which report is on file in the Office of the City Clerk, concerning realignment of the Kansas-Needham Over-crossing to connect with the new State Highway 132, and the Council endorses

the priority of the Kansas-Needham project over the Tuolumne Boulevard extension project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-336

A RESOLUTION APPROVING A RENEWAL TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GLENDALE FEDERAL BANK FOR THE DEPOSIT OF LUMP SUM DRAW DOWN FUNDS ALLOCATED TO HOUSING REHABILITATION PROGRAMS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT LETTER OF CREDIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that a renewal to the agreement between the City of Modesto and Glendale Federal Bank for the Deposit of Lump Sum Draw Down Funds Allocated to Housing Rehabilitation Programs from the Community Development Block Grant Letter of Credit be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said renewal of agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-337

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE EMPIRE SANITARY DISTRICT FOR SEWER SERVICE MUTUAL AID

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Empire Sanitary District for Sewer Service Mutual Aid be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-338

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR GRANT FUNDING TO THE CALFED BAY-DELTA PROGRAM FOR ECOSYSTEM RESTORATION PROGRAMS UNDER THE ENVIRONMENTAL EDUCATION COMPONENT OF THE PROGRAM.

WHEREAS, the Community Services and Neighborhood Connections Department has been notified of the opportunity to apply for approximately $65,000 in grant funding from the CALFED Bay-Delta Program for ecosystem restoration programs, and funding is available from several state and federal sources, and

WHEREAS, projects that address the riparian habitat and ecosystems of the Tuolumne River are eligible, and

WHEREAS, City staff is proposing to submit an application under the Environmental Education component of the program, meeting the goals of increasing public awareness, knowledge and appreciation of natural resources and ecosystem restoration activities, fostering active participation in conservation programs and encouraging individuals to wisely use natural resources,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit an application and grant-related documents for grant funding for approximately $65,000 from the CALFED Bay-delta Program for ecosystem restoration programs, with funding available from several state and federal sources.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-339

A RESOLUTION APPROVING THE FINAL MAP OF SILVERADO AT THE VILLAGE PHASE III SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Jaguar/Sylvan Partners L.P., a California limited partnership is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 7.21 acres, known as Silverado at the Village Phase III Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 10th day of February, 1997, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Silverado at the Village Phase III Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as

set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-340

A RESOLUTION APPROVING THE FINAL MAP OF THE BLUFF AT SEVEN FALLS SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Wellington Cove Development, LLC, a California limited liability company, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 9.11 acres, known as The Bluff at Seven Falls Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 28th day of January, 1991, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said The Bluff at Seven Falls Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as

set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-341

A RESOLUTION APPROVING AN ADDENDUM TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA PURCHASE CARD PROGRAM MASTER SERVICE AGREEMENT (DGS MA 5-96-CC-01)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that an addendum to the agreement between the City of Modesto and the State of California Purchase Card Program Master Service Agreement be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said addendum to agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-342

A RESOLUTION APPROVING A RENEWAL AGREEMENT BETWEEN THE CITY OF MODESTO AND COMMUNITY REINVESTMENT FUND INC. FOR LOAN SERVICING OF THE CITY'S HOUSING AND ECONOMIC DEVELOPMENT LOAN PORTFOLIOS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the renewal agreement between the City of Modesto and Community Reinvestment Fund Inc. for Loan Servicing of the City's Housing and Economic Development Loan Portfolios be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said renewal agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of June, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-343

A RESOLUTION GRANTING AN APPEAL FILED BY MID-VALLEY ENGINEERING TO A BOARD OF ZONING ADJUSTMENT CONDITION, AND APPROVING A SECOND ACCESS TO PELANDALE AVENUE IN CONJUNCTION WITH THE APPROVAL OF A CONDITIONAL USE PERMIT FOR BIG VALLEY GRACE COMMUNITY CHURCH.

WHEREAS, on January 1, 1996, the Modesto City Council certified a Final Environmental Impact Report (SCH# 93042004), and adopted the Pelandale-Snyder Specific Plan, and

WHEREAS, the Pelandale-Snyder Specific Plan allowed for expansion of the Big Valley Grace Community Church with a conditional use permit, and

WHEREAS, an application for a conditional use permit for expansion of existing church facilities, including educational and athletic facilities was filed by Big Valley Grace Community church on October 22, 1997, and the applicant subsequently submitted required items to constitute a complete application on April 10, 1998, and

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

WHEREAS, a duly noticed public hearing was held by the Board of Zoning Adjustment on May 28, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Board of Zoning Adjustment certified in its Resolution No. 98-07 that it received and reviewed an Initial Study prepared by the Community Development Department, Environmental Assessment No 98-24, which determined that the proposed conditional use permit is consistent with the Pelandale-Snyder Specific Plan EIR (SCH# 93042004), and that pursuant to Section 21166 of the Public Resources Code, no new environmental document would be required, and

WHEREAS, by Resolution No. 98-07, the BZA granted a conditional use permit to the Big Valley Grace Community Church for expansion of existing church facilities, including educational and athletic facilities, on property located on the east side of Tully Road south of the proposed extensions of Pelandale Avenue, subject to conditions included in said BZA Resolution No. 98-07, a copy of which Resolution is on file in the office of the City Clerk, and

WHEREAS, by letter dated May 29, 1998, an appeal to the decision of the BZA was filed with the City Council by Mid-Valley Engineering on behalf of the Big Valley Grace Community Church, pertaining to a condition requiring elimination of a second access point (the eastern right-out access) from the project site to Pelandale Avenue, and

WHEREAS, said appeal was set for a public hearing duly noticed to be held on Tuesday, July 7, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was taken and introduced, and

WHEREAS, after said hearing, the Council found and determined that said

appeal to the decision of the BZA condition, should be granted,

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

SECTION 1. That there are no substantial changes proposed in the project which will require major revisions of the Pelandale-Snyder Specific Plan EIR, because the EIR studied the impact of the proposed expansion of Big Valley Grace Community Church, and the traffic generated by this expansion is consistent with what was predicted in the EIR.

SECTION 2. That the appeal filed by Mid-Valley Engineering on behalf of the Big Valley Grace Community Church, pertaining to a condition requiring elimination of a second access point (the eastern right-out access) from the project site to Pelandale Avenue, is hereby granted for the following reasons:

1. The second access is needed to adequately handle the projected traffic volumes existing from the church at peak events.

2. The peak events utilizing the second access will occur mainly at times that will not conflict with peak traffic usage of Pelandale Avenue.

SECTION 3. That the proposal for a second access to Pelandale Avenue in conjunction with the approval of a conditional use permit for Big Valley Grace Community Church, a right-out only access at the eastern end of the project site, is hereby approved.

SECTION 4. That all other conditions and provisions of BZA Resolution No. 98-07 not in conflict with this resolution shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-344

Print

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1998-99, and

WHEREAS, the Council has adopted Resolution No. 98-309 on June 9, 1998, which is the Resolution of Intention to levy and collect assessments within the assessment district for the fiscal year 1998-99 and to set a public hearing to be held on July 7, 1998, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the City Engineer, said Engineer of Work, for Landscape Maintenance Assessment District No. 1 and hereby levies the assessment set forth therein for fiscal year 1998-99.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-345

Print

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION, AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1998-99, and

WHEREAS, the Council has adopted Resolution No. 98-310 on June 9, 1998, which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 1998-99 and to set a public hearing to be held on July 7, 1998, in the meeting place of the City Council located in the City Hall, 801 Eleventh Street, Modesto, California. Notice of the hearing was given in the time and manner required by law, and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report either in writing or orally, and the City Council has considered each protest.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby confirms the diagram and assessment as set forth in the annual report of the City Engineer, said Engineer of Work, for Landscape Maintenance Assessment District No. 2 and hereby levies the assessment set forth therein for fiscal year 1998-99.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Clerk

RESCINDED
Print
989
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-346

A RESOLUTION ADJUSTING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, SUPERSEDING COUNCIL RESOLUTION NOS. 96-298 AND 96-299.

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, a duly noticed public hearing was held by the Council on July 7, 1998, at 7:00 p.m. in the City Council Chambers, City Hall, 801 11th Street, Modesto, California to consider adjusting rates and charges for Modesto City-County Airport's aircraft hangars, office space, and tie down rentals, and establishing a hangar rental rate for T-Hangar No. I,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) T-Hangars:

Hangar No. A	$101.00 per unit per month
End Units	$118.00 per unit per month
Hangar No. B	$123.00 per unit per month

End Units	$151.00 per unit per month
Hangar No. C	$129.00 per unit per month
End Units	$156.00 per unit per month
Hangar No. D	$116.00 per unit per month
End Units	$137.00 per unit per month
Hangar No. E	$170.00 per unit per month
End Units	$198.00 per unit per month
Hangar No. F	$170.00 per unit per month
End Units	$198.00 per unit per month
Hangar No. G	$170.00 per unit per month
Hangar No. H	$170.00 per unit per month
Hangar No. I	$330.00 per unit per month
Hangar No. J	$170.00 per unit per month
Portable Land Rent	$ 50.00 per unit per month

A five (5) percent discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid for in advance.

(b) Storage Hangars:

Hangar No. 1 . . .	$1,256.00 - Sheriff's Aero Squadron lease rate $840.00 per month for first year. Increase thereafter based on CPI.
Hangar No. 2 . . .	$1,032.00 per month
Hangar No. 3 . . .	$544.00 per month
Hangar No. 4 . . .	$925.00 per month

Hangar No. 5 . . . $922.00 per month

Hangar No. 6 . . . $539.00 per month

SECTION 2. TIE-DOWN FEES: Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Tail-in Tie-Down - Permanent, light single and multi-engine (under 12,500 lbs) $30.00 per month.

(b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) $50.00 per month.

(c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) $.036 per square foot per month.

(d) Taxi-in Tie-Down - Transient, helicopter/single-engine aircraft $5.00 per day.

(e) Taxi-in Tie-Down - Transient, twin-engine aircraft (under 12,500 lbs) $7.00 per day.

(f) Taxi-in Tie-Down - Transient, twin-engine aircraft (over 12,500 lbs) $11.00 per day.

(g) Jet, Heavy Jet $11.00 per day.

A five (5) percent discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year's lease is entered into and the year's rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO's) that operate flight schools for light single and multi-engine aircraft (under 12,500 pounds) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in tie-down spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.

Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. OFFICE SPACE. The charge for office space at the Modesto City-County Airport/Harry Sham Field is hereby established as follows:

(a) Old Administration Building . . . . $.68 per square foot

(b) Office Building No. 1 . . . . . $.68 per square foot

(c) Office Building No. 2, Suite A . . . . . $.68 per square foot

(d) Office Building No. 2, Suite B . . . . . $.68 per square foot

(e) Hangar Office Space . . . . . $.31½ per square foot per month

SECTION 4. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL. Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

(a) Ticket Counter . . . . . $.067 per square foot

(b) Other Areas . . . . . $.067 per square foot

SECTION 5. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

(a) All light single, multi-engine aircraft and helicopters, $10.00 per landing.

(b) All large single and multi-engine aircraft, $.66 per 1,000 pounds of gross weight, but not less than $10.00 per landing.

(c) All transient aircraft owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two (2) trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(d) No landing fee shall be charged for any aircraft which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 6. PASSENGER FACILITY CHARGE (PFC). Commercial air carriers passengers excluding "frequent flyers", or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

(a) Enplane passenger by airline $3.00 per ticket passengers.

SECTION 7. ADVERTISEMENT CALL BOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement call board as follows:

Display Size	Display Only	Display & Telephone
7.5" x 9.5"	$30.00	$50.00
7.5" x 21"	$35.00	$55.00
19" x 21"	$40.00	$60.00

SECTION 8. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

(a) Incoming Service . . . . . $.50 Per Page

(b) Outgoing Service . . . . . Area Code 209 $1.00 Per Page
Other Area Code $2.00 First Page,
$1.50 All Other Pages

SECTION 9. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of $100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of six cents ($.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 11. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths ($200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths ($90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at Modesto City-County Airport will pay to the City of

Modesto the greater of ten (10) percent of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and call board phone service. Additionally, the operators will be accessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths ($25.00) Dollars per month, payable in advance.

SECTION 14. PENALTIES. A five (5) percent penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 15. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 1993, the rents, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rents, fees and charges shall be adjusted in the following manner: The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").

Corrected 8-4-98

Modesto the greater of ten (10) percent of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and call board phone service. Additionally, the operators will be accessed a parking fee at the same rate on-airport parking is charged for vehicles left overnight in terminal area public parking spaces.

SECTION 13. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths ($25.00) Dollars per month, payable in advance.

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The rents, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index. However, in no event shall the annual adjustment in any particular year exceed five (5) percent.

If the Index is changed so that the base year differs from that used as of March 17, 1987, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 16. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on August 1, 1998, except for the rental rate for T-Hangar No. I which will become effective September 1, 1998.

SECTION 17. SUPERSEDE. This resolution supersedes Council Resolution Nos. 96-298 and 96-299.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-347

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "J STREET AND 11TH STREET WATER SYSTEM IMPROVEMENTS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled J Street and 11th Street Water System Improvements, has been completed by All America Trenching Inc., in accordance with the contract agreement dated February 3, 1998.

NOW, THEREFORE, BE IT RESOLVED that the J Street and 11th Street Water System Improvements be accepted from said contractor, All American Trenching Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $105,910.69 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-348

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $4,100.00 TO FULLY FUND THE PROJECT TITLED "J STREET AND 11TH STREET WATER SYSTEM IMPROVEMENTS"

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

From: 610-480-J509 6040 $4,100
To: 610-480-J501 6040 $4,100

Transfer is needed to fully fund the project as a result of extra work resulting from unanticipated utility conflicts.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-349

A RESOLUTION ACCEPTING THE BID OF CUNNINGHAM AND SONS INC. FOR THE PROJECT TITLED "ROCKWELL REPLACEMENT/ADDITION 1998/99"

WHEREAS, the bids received for Rockwell Replacement/Addition 1998/99 were opened at 11:00 a.m. on June 23, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $382,231 from Cunningham and Sons Inc. be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-350

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND DECLARING ABC SERVICES THE LOW RESPONSIVE AND RESPONSIBLE BIDDER TO PROVIDE LABOR AND SERVICES FOR CLEANING SEWER SIPHON AND TRUNK LINES

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of labor and services for cleaning sewer siphon and trunk lines is hereby waived.

BE IT FURTHER RESOLVED that purchase of labor and services for cleaning sewer siphon and trunk lines will be provided by ABC Services for a not to exceed price of $100,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-351

Print

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $100,000 TO FULLY FUND THE PROJECT TITLED LABOR AND SERVICES FOR CLEANING SEWER SIPHON AND TRUNK LINES

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

From:	621-480-H386	6010	$100,000
To:	621-480-5212	0223	$100,000

Critical work to clean sewer siphon lines. Savings are available in the North Trunk CIP account because bids came in 7% below the engineer's estimate.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-352

Print

A RESOLUTION CALLING FOR A MEASURE M ELECTION FOR THE PURPOSE OF SUBMITTING AN ADVISORY MEASURE RELATING TO THE EXTENSION OF SEWER SERVICE TO A CERTAIN AREA OF THE CITY OF MODESTO AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO CONSOLIDATE THIS SPECIAL ELECTION WITH THE STATEWIDE ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 1998.

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; therefore, the City Council of the City of Modesto desires to submit to the qualified electors of the City of Modesto an advisory measure relating to the provision of sewer service to a certain area of the city, and the question relating to whether the City Council should provide sewer to the subject property, and

WHEREAS, it is desirable that the special election be consolidated with the Statewide election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Stanislaus canvass the returns of the special election and that the election be held in all respects as if there were only one election,

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

SECTION 1. BALLOT MEASURE.

That pursuant to Section 9603 of the Elections Code, the Council of the City of Modesto proposes to, and hereby does, on its own motion at the request of the property owner, submit to the qualified electors of the City of Modesto at a special election to be held on November 3, 1998, one advisory measure relating to the provision of sewer service to a certain area of the city as set forth below, and hereby designates the form of the ballot measure for use at said special election as follows:

MEASURE _____

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan?

The proposed Bent Creek Estates Subdivision, consisting of 22.6 acres, provided the area is first annexed to the City. This area is a parcel east of the Santa Fe Railroad Tracks, south of Parker Road and north of Dry Creek.

SECTION 2. FORM OF BALLOT.

On the ballots to be used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the following question relating to the proposal to extend sanitary sewer service:

CITY OF MODESTO MEASURE - ADVISORY VOTE ONLY

MEASURE _____City of Modesto Sewer Service Extension Advisory Measure.

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan?

The proposed Bent Creek Estates Subdivision, consisting of 22.6 acres, provided the area is first annexed to the City. This area is a parcel east of the Santa Fe Railroad Tracks, south of Parker Road and north of Dry Creek.	Yes	☐
	No	☐

SECTION 3. ADVISORY ELECTION CONSOLIDATED WITH REGULAR ELECTION.

That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Stanislaus is hereby requested to consent and agree to the consolidation of a special election with the Statewide election to be held on Tuesday, November 3, 1998, for the purpose of submitting said measure that is to appear on the ballot as set forth above.

SECTION 4. NOTICE AND SYNOPSIS OF ADVISORY VOTE.

Pursuant to Section 12114 of the California Elections Code, the City Clerk of the City of Modesto is hereby ordered and directed to prepare and sign a Notice and synopsis of said advisory vote in the form required by law, and said City Clerk is hereby ordered and directed to publish said Notice in the time and manner required by law in *The Modesto Bee*,

the official newspaper of the City of Modesto, and a newspaper of general circulation printed and published in said City.

SECTION 5. CONDUCT OF ELECTION.

The advisory special 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 special municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

SECTION 6. VOTER QUALIFICATION.

All persons qualified to vote at municipal elections in the City of Modesto on the date of the election herein provided for shall be qualified to vote upon the advisory measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at the special election.

SECTION 7. CANVASS THE RETURNS.

That the County Election Department is authorized to canvass the returns of the special election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 8. BOARD OF SUPERVISORS.

That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 9. COSTS INCURRED.

That the City of Modesto recognizes that additional costs will be incurred by the County by reason of the consolidation and agrees to reimburse the County for any costs.

SECTION 10. 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 County Election 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 7th day of July, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-353

Print

A RESOLUTION APPROVING THE PROPERTY ENHANCEMENT PROGRAM (PEP) FOR MODESTO'S LOW-INCOME CENSUS TRACTS.

WHEREAS, in order to address the issues of properties that contribute to neighborhood blight and to assist City organizations charged with achieving compliance with various codes, the Community Development Department, Housing and Neighborhoods Division, has recommended to the City Council the approval of a Property Enhancement Program (PEP) for Modesto's low-income census tracts, as detailed in Exhibit "A", a copy of which is attached hereto and on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Property Enhancement Program (PEP) for Modesto's low-income census tracts, as detailed in Exhibit "A", a copy of which is attached hereto and 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 7th day of July, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

COMMUNITY DEVELOPMENT DEPARTMENT **Exhibit "A"**

COMMUNITY DEVELOPMENT PROGRAM POLICY AND PROCEDURES MANUAL

CHAPTER

PROPERTY ENHANCEMENT PROGRAM (PEP)

(Equal Housing Opportunity)

27.1 PROGRAM OBJECTIVES

To provide financial assistance, in the form of rebates, to enable property owners to improve the exterior appearance of their properties.

27.2. PROPERTY ELIGIBILITY

To be eligible to participate in the PEP, the property must be located in one of the City of Modesto's low-income census tracts as shown on the attached map. The property can include owner-occupied or nonowner-occupied residential dwelling units, but must be located in the City. First Priority for participation in this program shall be given to owner occupant properties with gross annual household incomes at or below 80% of Median Area Income (MAI); Second Priority shall be given to properties occupied by tenants whose gross annual household incomes are at or below 80% of MAI; Third Priority shall be given to properties occupied by tenants whose gross annual household incomes are above 80% of MAI, and Fourth Priority shall be given to owner occupant properties where gross annual household incomes are above 80% of MAI.

27.3 AVAILABLE ASSISTANCE

Qualified Owner-Occupant property owners shall be eligible for one rebate per property, per year, (for each property enhancement category) up to the dollar amounts shown. Rental property owners are eligible for one rebate (for each property enhancement category), per property, per year, up to 50% of the dollar amount listed for Owner-Occupant property owners:

A. **Clean-up - Up to ½ of Cost of Cleanup:** (Owner Occupant Property Owner Maximum of $200 Per Unit; Rental Property Owner Maximum of $100 Per Unit).

1) Removal of garbage, junk, debris, abandoned vehicles, boats, trailers, recreation vehicles and motor cycles.

2) Removal of unapproved/dilapidated lean-to's, sheds or room additions and similar storage areas.

3) Trimming and pruning of front and side yard trees and shrubs (Mike Rodrigo will assist for NPU cases - phone: 571-5162).

B. **Exterior Painting of All Legal Structures - Up to ½ the Cost of Painting:** (Owner--Occupant Property Owner Maximum of $500 Per Unit; Rental Property Owner Maximum of $250 Per Unit).

City staff may consider, on a case-by-case basis, other nonhabitable structures, including sheds (Rick Dalton at 571-5505 and Mike Rodrigo at 571-5162 will assist with these projects).

C. **Fence or Gate Repair/Replacement (Must Meet Set-back and Clear View Regulations) A Maximum Rebate of $4.00 a Linear Foot:** (Owner-Occupant Property Owner Maximum of $400 Per Parcel; Rental Property Owner Maximum of $200 Per Parcel) - Rick Dalton at 571-5505 and Mike Rodrigo at 571-5162 may be contacted to assist with these projects..

D. **Front and Side Yard Landscaping - A Rebate of ½ the Cost of Work:** (Owner-Occupant Property Owner Maximum of $500 Per Parcel; Rental Property Owner Maximum of $250 Per Parcel). Rick Dalton at 571-5505 and Mike Rodrigo at 571-5162 may be contacted to assist with these projects.

Seeding lawn, sodding, planting shrubs, and installing automatic sprinkler systems.

E. Security/Safety Improvement - Rebate of ½ The Cost of the Work: (Owner-Occupant Property Owner Maximum of $300 Per Living Unit; Rental Property Owner Maximum of $150 Per Living Unit). Rick Dalton at 571-5505, Mike Rodrigo at 571-5162, Fire Prevention at 572-7512 and Police Department Crime Prevention Officer for the particular neighborhood may be contacted for assistance with these projects.

Smoke detectors, dead bolt locks, keyed entry latch assemblies, door viewers, security screen doors and windows and exterior front and rear lighting as per code, including motion detectors and dusk to dawn lighting and replacement of unapproved security bars, grates and doors on required exits and required emergency escape windows in sleeping rooms with approved keyless inside release mechanism type.

F. Energy Savings Improvements - Rebate Shall Be ½ The Cost of Work: (Owner-Occupant Property Owner Maximum of $500; Rental Property Owner Maximum of $250). Rick Dalton at 571-5505 and Mike Rodrigo at 571-5162 may be contacted to assist with these projects.

Attic insulation (R-19 minimum) attic ventilation, weather stripping, water saving devices, and water heater blankets are eligible energy conservation items.

27.4 General Terms/Conditions:

A. Clean-up and Exterior Painting shall be top priority and approved by City staff before other categories are considered.

B. Dumpsters may be provided, upon City approval, for removal of junk, debris and trash collected. Cost of the dumpsters will be deducted from the clean-up rebate.

C. Prior to painting, properties shall be properly prepared. This includes scraping, repairing exterior dryrot and removal of old paint. If lead-based paint exists, approved techniques shall be used to eliminate any health hazards. Contact Office of Housing and Neighborhoods at 577-5245 for details and assistance.

D. Program rebates are limited to the following:

1) Materials and Costs: City staff shall approve (in advance) all materials, and rental of equipment. Materials are items that are permanently installed on the building (unit), grass, sod and shrubs that are planted; or fencing or gates that have been replaced or installed.

2) Labor: Shall be performed by qualified individuals. If work is completed by owner there will not be a rebate for labor. If work is completed by a person other than the owner who is not a licensed contractor, the labor rate shall be $10.00 per hour. Owners must submit paid invoices and are responsible for all related labor costs (taxes, etc.)

E. City staff must review and approve all costs in advance.

F. Owner shall obtain any required City permits prior to commencement of work, check with Building Inspection Office, at 577-5232.

G. Participation in this program does not prevent the owner from participating in other City programs for which he or she is qualified.

27.5 APPLICATION PROCEDURE

A. Owner completes program application (see attached).

B. Owner turns in completed application and cost estimates to City Office responsible for the case.

C. Responsible City Office staff will visit the site to verify the scope of the work to be done. For exterior painting, Housing and Neighborhoods (H&N) staff at 577-5245 will check the age of the property and consult the State Historic Preservation Office, if required.

D. Responsible City office staff will review the application and cost estimates and make recommendation for approval or denial.

E. Housing Program Supervisor will approve qualified applications after confirming that funds are available.

F. Housing Program Supervisor will issue a letter of approval (commitment letter) and Notice to Proceed.

G. Owner or contractor completes project.

H. Owner contacts responsible City office staff to verify satisfactory completion of the project. When necessary, assistance may be obtained by contacting Rick Dalton at 571-5505, Mike Rodrigo at 571-5162 or Fire Prevention staff at 572-7512.

I. Responsible City office staff verifies completion of the project and provide owner with a copy of the Request for Rebate form (see attached).

27.6 REQUEST FOR REBATE PROCEDURE

A. Owner completes and returns "Request for Rebate" form (with paid receipts attached) to the Office of Housing and Neighborhoods, which is located at 940 - 11th Street, phone 577-5245.

B. Housing Program Supervisor processes and approves rebate request.

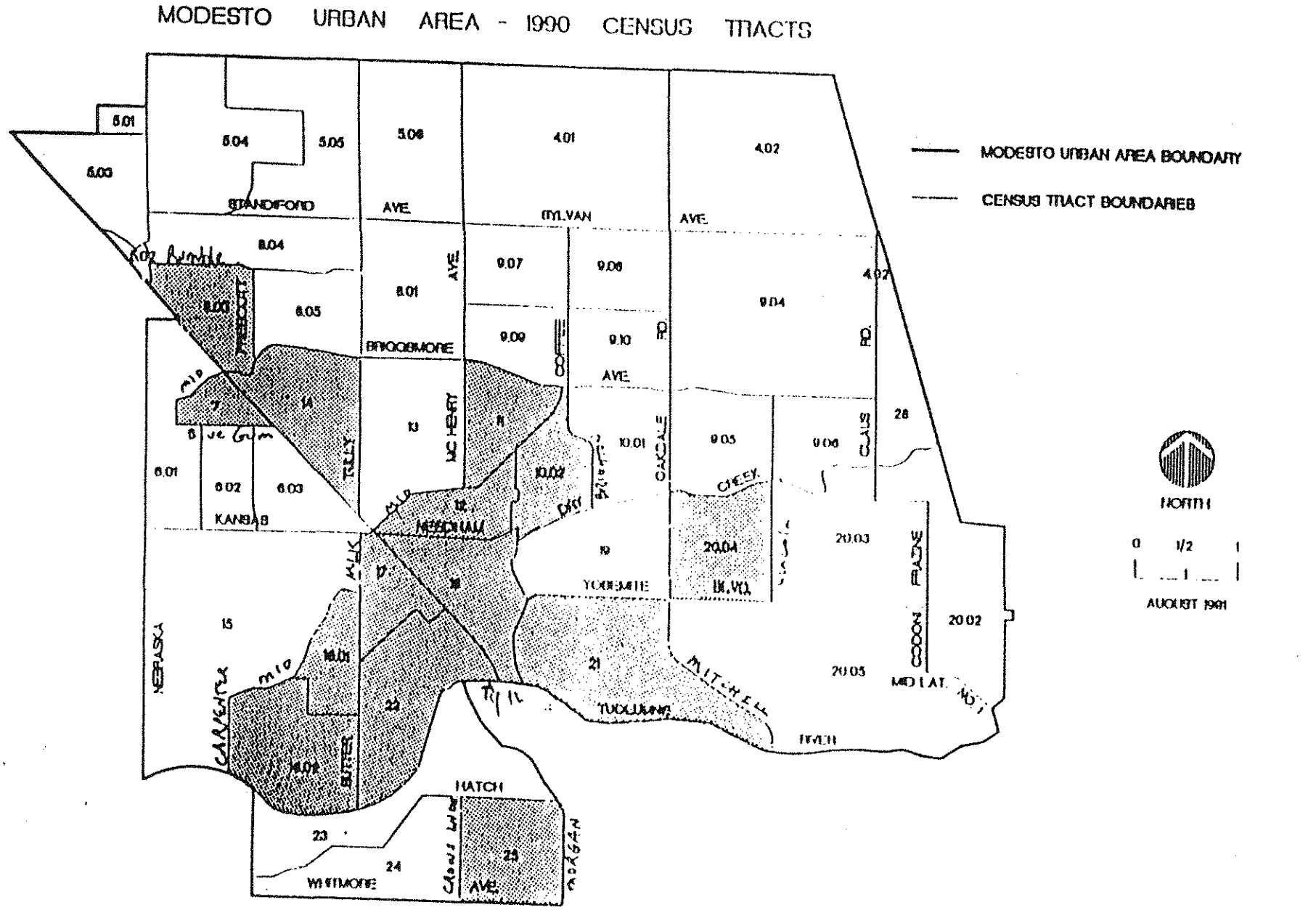
C. Housing Program Supervisor prepares vouchers for rebate check.

D. Finance Department mails rebate check to the owner.

27.7 PROCESS TO AMEND THIS CHAPTER

Recommendation for changes to this policy and procedure shall be made in writing to the Housing Program Supervisor at Office of Housing and Neighborhoods, 940 - 11th Street, Modesto, CA 95354, phone (209) 577-5392.

1990 Low Income Census Tracts



CITY OF MODESTO PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Census Tracts with a Median Household Income of Less than $29,050. (80% of the Median Area Income)

CITY OF MODESTO
PROPERTY ENHANCEMENT PROGRAM (PEP) APPLICATION FORM
(Equal Housing Opportunity)

DRAFT

#1 Owner's Name _____ ( ) Phone _____ Social Security or Tax ID# _____

Owner's Address _____ City _____ State _____ Zip _____

#2 Owner's Name _____ ( ) Phone _____ Social Security or Tax ID# _____

Owner's Address _____ City _____ State _____ Zip _____

Site Address: _____

_____ Single _____ Duplex _____ Triplex _____ Fourplex
(attached additional page(s) if needed)

Contractor's Name: _____

Phone Number: ( ) _____ License #: _____

Fax Number: ( ) _____ Expiration Date: _____

Address: _____ City: _____ Zip: _____

Unit 1 - Household Information

Name _____
Address _____
Household Size _____
Annual income for household _____
Ethnicity of Head of Household # _____
Female Head of Household Yes☐ or No☐

Unit 2 - Household Information

Name _____
Address _____
Household Size _____
Annual income for household _____
Ethnicity of Head of Household # _____
Female Head of Household Yes☐ or No☐

Unit 3 - Household Information

Name _____
Address _____
Household Size _____
Annual income for household _____
Ethnicity of Head of Household # _____
Female Head of Household Yes☐ or No☐

Unit 4 - Household Information

Name _____
Address _____
Household Size _____
Annual income for household _____
Ethnicity of Head of Household # _____
Female Head of Household Yes☐ or No☐

1-White (non-Hispanic)
2-Black (non Hispanic)
3-American Indian/Alaskan Native
4-Asian/Pacific Islander
5-Hispanic (all races)

INSTRUCTIONS

1. Turn in this completed application.
2. Receive approval from City.
3. Perform the required repairs.
4. Obtain a Request for Rebate from responsible City office handling the case.
5. Complete and return it with paid receipts and Completion Certificate to the Office of Housing and Neighborhoods (H&N).

I certify the information is true and correct to the best of my knowledge and belief, and understand the penalty for willful misrepresentation and making false, fictitious or fradulent statements knowing same to be false is punishable under U.S. Code Title 18, Section 1002.

Owner's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

CHECK BOX(ES) FOR REBATE(S) YOU ARE APPLYING FOR:

☐ Clean-up	☐ Exterior Paint	☐ Fence Repair	☐ Landscape	☐ Security	☐ Energy Items

(FOR OFFICE USE ONLY)
Office of Housing and Neighborhoods

Recommend: ☐Approval ☐Denial

_____
Signature of Responsible Inspector Date

Recommend: ☐Approval ☐Denial

_____
Responsible City Office Supervisor Signature Date

Budget Coordinator's Initials: _____

Maximum Amount Approved:

☐Approved $_____

☐Denied

_____
Housing Program Supervisor's Signature Date

DRAFT

March 6, 1998

Dear

Re: Letter of Commitment for Participation in the Property Enhancement Program (PEP)

I am very pleased to inform you that your application for participation in the City of Modesto's Property Enhancement Program has been approved.

What the approval means is the City is committed to rebate you up to $_____ , provided you do the following:

a. Complete the work that was approved in your property enhancement program (PEP) application.
b. Have the project inspected and approved by responsible City office handling your case.
c. Pay for the work after the inspection has taken place and the work is approved, and obtain receipts.
d. Complete and turn in to the Office of Housing and Neighborhoods at 940 11th Street, a Request for Rebate Form (copy enclosed), copy of paid receipts, and a copy of the Certificate of Completion given to you by the City employee who completed the inspection.

You are now authorized to proceed with your project. Good luck! If there are questions, please phone me at (209) 577-5392 or stop by my office. This commitment is valid until _____.

Sincerely,

Ernest R. Richardson
Housing Program Supervisor
Office of Housing and Neighborhoods

ERR:lr

DRAFT

CERTIFICATE OF COMPLETION FOR PROPERTY ENHANCEMENT PROGRAM PROJECT
(Equal Housing Opportunity)

Date:

TO: Housing Program Supervisor

From:

I have inspected the property owned by _____ which is located at _____ _____ and hereby certify that the _____ project(s) for which he/she was approved for participation in the Property Enhancement Program has/have been successfully completed.

_____ _____

Signature of Inspector Date Signed

REQUEST FOR REBATE
UNDER PROPERTY ENHANCEMENT PROGRAM
(Equal Housing Opportunity)

DRAFT

Owner's Name :	Phone No.:	Social Security #:	
Owner's Address:	City:	State:	Zip Code:
Work Site Address:			
Rebate Amount Requested: $	❑ Owner Occupied	❑ Rental	

Below, you must list all contractors/persons that were paid for work completed at property listed above and attach paid receipts to support request.

	Name	Address	Amount
1.			$
2.			$
3.			$
4.			$
5.			$
6.			$
7.			$

Address where rebate check (if approved) is to be mailed (please print or type):

Address:	City:	State:	Zip:

PENALTY FOR FALSE OR FRAUDULENT STATEMENT

U.S. Code Title 18, Section 1002, provides that a fine of up to $10,000 or imprisonment for a period not exceed 5 years, or both, shall be the penalty for willful misrepresentation and the making of false, fict or fraudulent statements, knowing same to be false.

Being fully aware of the penalty above, I hereby request the rebate identified in this form.

_____ _____
Owner's Signature Date

_____
Owner's Home Address City State

FOR CITY OFFICIAL USE

Date Request Received: _____

Date Request Reviewed: _____

Budget Coordinator's Initials: _____

Request:

❑ Approved for Rebate of $ _____

❑ Denied: _____
(Reason)

CITY OF MODESTO
COMMUNITY DEVELOPMENT DEPARTMENT
Office of Housing and Neighborhoods
PARTICIPANT PROFILE

DRAFT

Owner's Name: _____ SSN: _____

Participant's Name: _____ SSN: _____

Spouse's Name: _____ Phone (work): _____

Address: _____ Phone (home): _____

_____

Owner-Occupant Property ☐ Yes ☐ No
Is participant female head-of household ☐ Yes ☐ No
Is the participant disabled or handicapped? ☐ Yes ☐ No
Is the participant 62 years of age or older? ☐ Yes ☐ No

Number of Persons in the Household: _____

List all the persons living in the household and indicate the relationship to the participant:

NAME	RELATIONSHIP	AGE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Ethnicity Information: Check only one category

☐ White ☐ Hispanic ☐ Native American/Alaskan Islander
☐ Black ☐ Asian/Pacific Islander ☐ Other: _____

Annual Income Information:
Please circle the household size and the income category which best reflects your total annual household income:

PERSONS IN HOUSEHOLD	INCOME IS AT OR BELOW	INCOME IS BETWEEN 50% - 80% MAI	INCOME IS MORE THAN 80%
1	$ 14,850	$ 14,851 - $ 23,749	$ 23,750
2	$ 16,950	$ 16,951 - $ 27,149	$ 27,150
3	$ 19,100	$ 19,101 - $ 30,549	$ 30,550
4	$ 21,200	$ 21,201 - $ 33,899	$ 33,900
5	$ 22,900	$ 22,901 - $ 36,649	$ 36,650
6	$ 24,600	$ 24,601 - $ 39,349	$ 39,350
7	$ 26,300	$ 26,301 - $ 42,049	$ 42,050
8	$ 28,000	$ 28,001 - $ 44,749	$ 44,750

PENALTY FOR FALSE OR FRAUDULENT STATEMENT: U.S. Code Title 18, Section 1002 provides that a fine of up to $10,000 or imprisonment for a period not to exceed 5 years, or both, shall be the penalty for willful misrepresentation and the maki of false, fictitious or fraudulent statements, knowing some to be false.

I/We certify the above information is accurate and true to the best of my/our knowledge.

DEFINITIONS:

Disabled:
(a) inability to engage in any substantial gainful activity by reason that can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 month; or

(b) an individual who is 55 years of age, blind, and unable to engage in long-term employment (Ref. Social Security Act 223(d)).

Handicapped:
any person who has a physical or mental impairment that subsequently limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.

Physical or mental impairment:
(i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, respiratory, special sense organs, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or
(ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental disorders, ulcers and specific learning disabilities.
Includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addition and alcoholism (Ref. 24 CFR Section 51.55).

Income:
Annual sum of all payments from all sources received by the head-of-household and each additional member of the household who is not a minor. Income includes gross wages and salaries, commissions, fees, tips, bonuses, social security payments, retirement pay, unemployment compensation, worker's compensation, strike benefits, veteran's benefits, public assistance (including AFDC, SSI, and General Assistance), training stipends, alimony, child support, military family allotments, regular support from an absent member, private pensions, regular insurance or annuity payments, income from dividends, interest, royalties, estates or trusts.

Income does not include capital gains, withdrawal of bank assets, sale of property, tax refunds, gifts, lump-sum inheritances, one-time insurance payments, compensation for injury, non-cash employee benefits, food or rent received in lieu of wages, and such Federal program as Medicare, foods stamps, public housing, educational scholarships, Uniform Relocation Act payments, foster child care payments, and payments pursuant to participation of volunteer programs under the ACTION agency (Ref 24 CFR, Section 889.104

OFFICE USE ONLY:

Date form received: _____
Form reviewed by: _____ Date: _____

Name of Program:
( ) Emergency Home Repair Program
( ) Housing Rehabilitation Program
( ) Rental Rehabilitation Program
( ) Other: _____

Source of Financing:
( ) Community Development Block Grant
( ) HOME Investment Partnership Program
( ) Rental Rehabilitation Funds
( ) Other: _____

Type of Loan *(if applicable)*:
( ) DPL - Deferred Payment Loan
( ) PRL - Payment Required Loan

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-354

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALVARY CHAPEL OF MODESTO INC. FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE NORTH TRUNK SEWER PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Calvary Chapel of Modesto Inc. for the acquisition of property rights needed for the North Trunk Sewer Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-355

A RESOLUTION RESCINDING RESOLUTION NO. 98-324 ENTITLED " A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM CALVARY CHAPEL OF MODESTO, INC., AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (NORTH TRUNK SEWER PROJECT)"

WHEREAS, on June 23, 1998, the City Council adopted Resolution No. 98-324 entitled "*A Resolution Determining That The Public Interest And Necessity Require The Acquisition Of Certain Land From Calvary Chapel Of Modesto, Inc., And Directing The Filing Of Eminent Domain Proceedings (North Trunk Sewer Project)*", to acquire the property rights needed between Snyder and Bangs Avenues for the North Trunk Sewer project, and

WHEREAS, since the time of adoption of said Resolution No. 98-324, the Calvary Chapel of Modesto, Inc., agreed to sell its portion of the required rights for the appraised value of $7,350, and

WHEREAS, on July 7, 1998, the Calvary Chapel of Modesto, Inc., entered into an agreement with the City Council, concurrent with the adoption of this resolution, for the acquisition of property rights needed for the North Trunk Sewer project; therefore, it would be appropriate to rescind Resolution No. 98-324 as it is no longer needed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 98-324 entitled "*A Resolution Determining That The Public Interest And Necessity Require The Acquisition Of Certain Land From Calvary Chapel Of Modesto, Inc., And Directing The Filing Of Eminent Domain Proceedings (North Trunk Sewer*

Project)" is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-356

A RESOLUTION APPROVING A LEASE RENEWAL AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION (STANCO) FOR USE OF A CITY-OWNED HOME AT 308 LOCUST

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease renewal agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation (STANCO) for use of a City-owned home at 308 Locust be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said lease renewal agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-357

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTIMATE GRANT REVENUE RECEIVED FOR THE PROJECT TITLED "PVEA CITY OF MODESTO TO UPGRADE INCANDESCENT LAMPS"

WHEREAS, staff applied for federal funding under the Petroleum Violation Escrow Account (PVEA) grant program and successfully obtained funds for 100% of the costs in the amount of $155,000; and

WHEREAS, a separate account has been setup for this project and the $155,000 in federal revenues need to be estimated into this account.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Revenue		
70-510-9510-3504	Federal Share of Project	$155,000
Expenditures		
70-160-K952-6040	Upgrade Incandescent Lamps w/LED's	$155,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Cathy Bu Jr
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-358

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION TO RECEIVE GRANT FUNDS TO UPGRADE INCANDESCENT LAMPS WITH LED'S

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California, Department of Transportation to receive grant funds to upgrade incandescent lamps with LEDs be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-359

A RESOLUTION ACCEPTING AN AMENDMENT TO THE AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT FOR MODESTO CITY-COUNTY AIRPORT PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE GRANT ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, on May 15, 1990, the Federal Aviation Administration (the "FAA") and the City of Modesto entered into a Grant Agreement for Project No. 3-076-0153-11, for funds to funds to improve the Modesto City-County Airport, and

WHEREAS, Paragraph 1 of the Terms and Conditions, Standard Conditions, on page 2 of said Grant Agreement approved a grant in the amount of $25,437 to fund a proposed water main, however, the project cost was actually $13,725 greater than originally estimated, and

WHEREAS, the AIP allows sponsors (receivers of Federal funds) to request up to an additional fifteen (15%) percent of the original grant amount when cost overruns are encountered, and

WHEREAS, the FAA has agreed to pay an additional $3,816 on the AIP 11 project work, which is fifteen (15%) percent, the maximum increase allowed for a Federal AIP grant, which would require an amendment to the original grant,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves and accepts an amendment in the amount of $3,816 to the City's Airport Improvement Program (AIP) grant.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute Amendment No. 1 to the Grant Agreement for Project No. 3-06-0153-11 on behalf of the City of Modesto for said grant funds in the amount of $3,816.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-360

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ADRIANNA PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP FOR VILLAGE ONE CENTRAL STORM BASIN EXCAVATION AND FEE CREDIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Adrianna Properties, a California Limited Partnership for Village One Central Storm Basin Excavation and Fee Credit be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-361

A RESOLUTION APPROVING THE FINAL MAP OF THE ADRIANNA ONE A GATED COMMUNITY SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Max Norton Enterprises, Inc., a California corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 2.37 acres, known as Adrianna One A Gated Community Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 7th day of April, 1997, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Adrianna One A Gated Community Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as

set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-362

A RESOLUTION APPROVING AN AGREEMENT FOR A LOCAL PROGRAMMING GRANT IN THE AMOUNT OF $1,198.50 WITH RANDY MAGNUS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for a local programming grant in the amount of $1,198.50 with Randy Magnus be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-363

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DR. PHILIP TROMPETTER TO PROVIDE COUNSELING AND PSYCHOTHERAPY SERVICES TO SWORN POLICE OFFICERS, PARTICIPATE IN MODESTO POLICE SWAT ACTIVATIONS AND HOSTAGE NEGOTIATIONS, AND PROVIDE CRISIS DEBRIEFING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dr. Philip Trompetter to provide counseling and psychotherapy services to sworn police officers, participate in Modesto Police SWAT activations and hostage negotiations, and provide crisis debriefing be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-364

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CANVASSING THE RESULTS OF THE JULY 7, 1998 ELECTION HELD WITHIN COMMUNITY FACILITIES DISTRICT NO. 1998-1 (ENTERPRISE BUSINESS PARK)

WHEREAS, this Council is conducting proceedings pertaining to the formation of the City's Community Facilities District No. 1998-1 (Enterprise Business Park) (the "District"), the authorization to incur a bonded indebtedness in an amount not to exceed $2,025,000 within the District, the establishment of an appropriations limit within the District, and the levy of a special tax sufficient to pay all costs necessary to (i) finance certain Facilities and Services as described in the City's Resolution No. 98-330, adopted on June 23, 1998, and (ii) administer and pay debt service on the bonds of the District issued to finance the Facilities, including any incidental expenses related thereto as authorized by law;

WHEREAS, on July 7, 1998, an election was held within the District (the "Election") relative to the foregoing; and

WHEREAS, the City Clerk has certified that at the Election the proposition of incurring a bonded indebtedness, levying the special tax and establishing an appropriations limit within the District was approved by at least two-thirds (2/3) of the votes cast at the Election within the District:

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

EXHIBIT A

CERTIFICATE OF CITY CLERK

I, JEAN ADAMS, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 98-330, the Resolution of Formation, adopted on June 23, 1998 by the City Council of the City of Modesto, I did conduct a Special Bond and Special Tax Election for Community Facilities District No. 1998-1 (Enterprise Business Park) on July 7, 1998, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall an appropriations limit in the amount of $300,000 per fiscal year be established for Community Facilities District No. 1998-1 (the "District") of the City of Modesto ("the City"), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 98-330 (the "Resolution of Formation") adopted by the City Council of the City of Modesto on June 23, 1998, which is incorporated herein by this reference, be levied within the District in order to finance certain public facilities (the "Facilities") as set forth in the Resolution of Formation and services (the "Services") also set forth in the Resolution of Formation, including any incidental expenses related thereto, and shall a bonded indebtedness in the amount of not to exceed $2,025,000 be incurred within the District in order to finance the Facilities?

TOTAL VOTES CAST:	YES	NO
	2	0

Dated: July 7, 1998

Jean Zahr

Jean Zahr, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-365

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE RECEIVED FROM THE FEDERAL CONGESTION MANAGEMENT AND SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT GRANT FUNDS

WHEREAS, staff successfully applied for Federal grant funds for three projects: City of Modesto Rideshare Program; Preferential Parking-Carpooler Program; and Showers & Lockers for 10th Street Place; and

WHEREAS, staff did not budget these projects in the regular cycle because notice from the grant agency regarding approval was only recently received.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

		Increase (Decrease)
Revenue		
70-510-9510-3504	Federal Share of Project	150,130
70-510-9510-3144	Remove Funds	31,565
Expenditures		
70-140-K046-6010	City of Modesto Rideshare Program	54,000
70-140-K071-6010	Preferential Parking-Carpooler Program	40,195
70-140-K086-6040	Showers & Lockers for 10th Street Place	87,500

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of July 1998, by Councilmember Freidman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: Cathie R
for STAN FEATHERS, Budget Officer

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-366

A RESOLUTION DESIGNATING THE LARGE VALLEY OAK TREE IN THE TUOLUMNE RIVER REGIONAL PARK AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: CITY OF MODESTO)

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 May 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 98-10, that the Large Valley Oak Tree in the Tuolumne River Regional Park is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and the current adaptive uses are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact.

4. The existing and proposed use are compatible with preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on July 14, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Large Valley Oak Tree in the Tuolumne River Regional Park is eligible for designation

as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Large Valley Oak Tree in the Tuolumne River Regional Park is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Large Valley Oak Tree in the Tuolumne River Regional Park has cultural significance because it was used to tie up wheat barges in Modesto's early days and is possibly one of the oldest (approximately 122 years old) and largest trees in our community.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

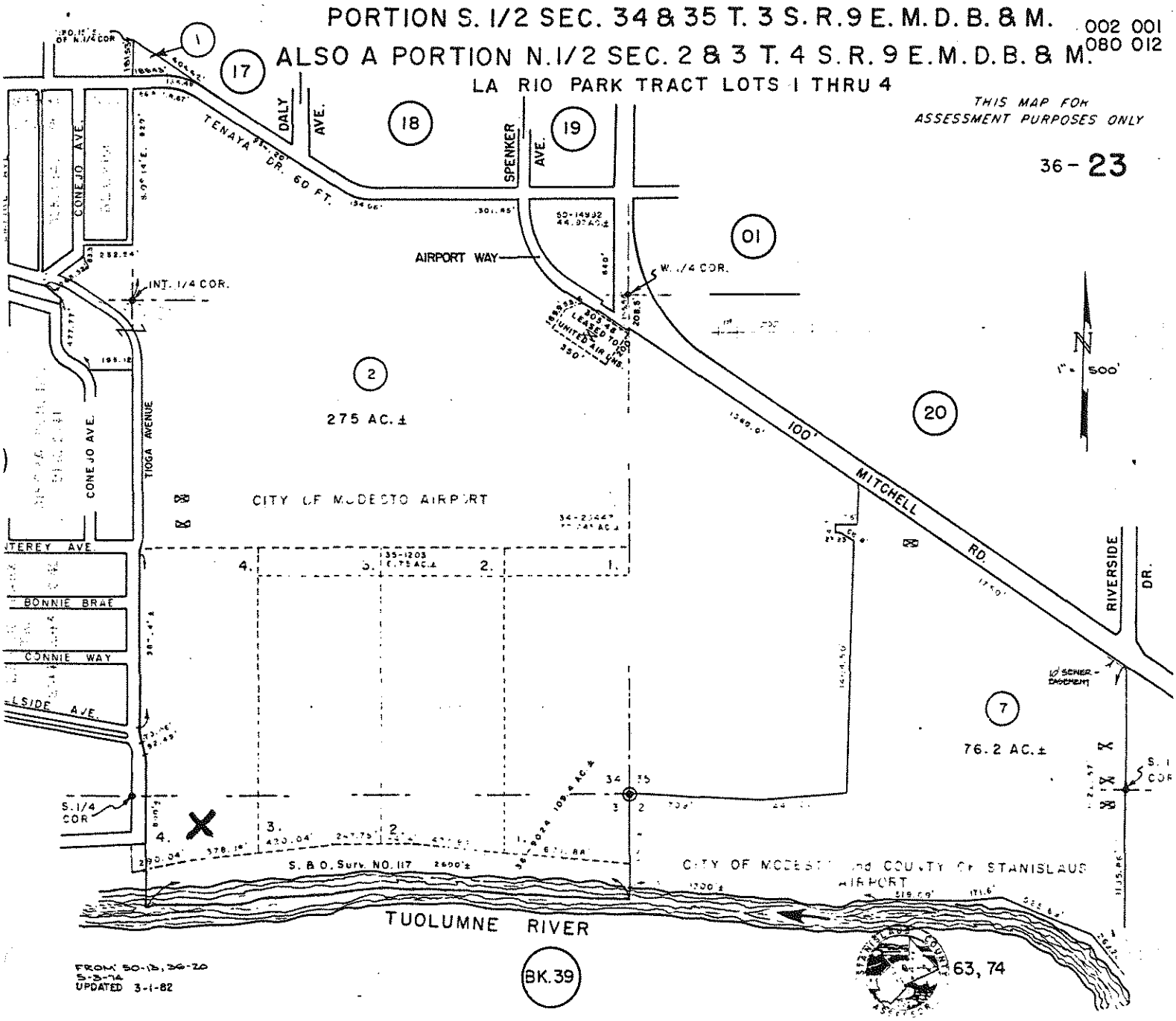
By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Property in the Tuolumne River Regional Park
East side of Tioga Avenue, north of the Tuolumne River
City of Modesto and TRRP

Exhibit "A" – Legal Description

Located in lot 4 of La Rio Park Tract, as per map 9 filed in Book 5 of Maps, Stanislaus County Records.



Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-367

A RESOLUTION AUTHORIZING STAFF TO NEGOTIATE A CONTRACT WITH HDR, INC., TO CONDUCT AN ASSESSMENT OF THE CITY'S CURRENT AND LONG-TERM SOLID WASTE MANAGEMENT PROGRAM OPTIONS.

WHEREAS, on July 14, 1998, the City Council considered a staff report from the Engineering & Transportation Department which recommended authorizing staff to negotiate a contract with HDR, Inc., to conduct an assessment of the City's current and long-term solid waste management program options,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to negotiate a contract with HDR, Inc., to conduct an assessment of the City's current and long-term solid waste management program options as recommended in the staff report from the Engineering & Transportation Department, a copy of which staff report 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 14th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-368

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET FOR REMODELING THE PERFORMANCE TIRE BUILDING/EXPANSION

WHEREAS, the Operations & Maintenance Department is in need of a larger facility for the Police shop and the Police Department must accommodate all current operations that are housed in building that will be demolished for the construction of the new police facility; and

WHEREAS, these funds will remodel Performance Tire to accommodate the needed expansion of the Police shop, house evidence and property for police cases, and provide a work area for the maintenance needs of the department; and

WHEREAS, this remodeling project was originally initiated by City Council action on June 9, 1998. Because the fiscal year closed shortly after the project's initiation, staff was unable to encumber all of the funds, awaiting bids. The unobligated funds lapsed to the respective fund reserves; therefore, it is necessary to appropriate them from reserves.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures	
#720-800-8000-8003 Fleet Fund Contingency Reserve	$(27,000)
#720-480-5812-5472 11th & G Remodel	$ 27,000
#010-800-8000-8003 General Fund Contingency Reserve	$(26,009)
#010-190-1921-5465 11th & G Remodel	$ 26,009

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 14th day of July 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-369

A RESOLUTION APPROVING AN AGREEMENT WITH BRIGHT DEVELOPMENT FOR CONSTRUCTION OF A STORM DRAIN IN THE VILLAGE ONE CENTRAL STORM DRAINAGE BASIN IN RETURN FOR CREDIT AGAINST THE TAXES ASSESSED AGAINST COMMUNITY FACILITIES DISTRICT OBLIGATIONS

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Bright Development for construction of a storm drain in the Village One Central Storm Drainage Basin in return for credit against the taxes assessed against Community Facilities District obligations be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-370

A RESOLUTION APPROVING AN AGREEMENT WITH L & L VENTURE FOR PAYMENT FOR A PORTION OF THE CONSTRUCTION OF A STORM DRAIN IN THE VILLAGE ONE CENTRAL STORM DRAINAGE BASIN IN RETURN FOR CREDIT AGAINST THE TAXES ASSESSED AGAINST COMMUNITY FACILITIES DISTRICT OBLIGATIONS

BE IT RESOLVED by the Council of the City of Modesto that the agreement with L & L Venture for payment for a portion of the construction of a storm drain in the Village One Central Storm Drainage Basin in return for credit against the taxes assessed against Community Facilities District obligations be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-371

A RESOLUTION APPROVING AN AGREEMENT WITH ROBERT D. CALCAGNO FOR PAYMENT FOR A PORTION OF THE CONSTRUCTION OF A STORM DRAIN IN THE VILLAGE ONE CENTRAL STORM DRAINAGE BASIN IN RETURN FOR CREDIT AGAINST THE TAXES ASSESSED AGAINST COMMUNITY FACILITIES DISTRICT OBLIGATIONS

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Robert D. Calcagno for payment for a portion of the construction of a storm drain in the Village One Central Storm Drainage Basin in return for credit against the taxes assessed against Community Facilities District obligations be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-372

A RESOLUTION APPROVING AN AGREEMENT WITH J.K.B. HOMES CORP. FOR PAYMENT FOR A PORTION OF THE CONSTRUCTION OF A STORM DRAIN IN THE VILLAGE ONE CENTRAL STORM DRAINAGE BASIN IN RETURN FOR CREDIT AGAINST THE TAXES ASSESSED AGAINST COMMUNITY FACILITIES DISTRICT OBLIGATIONS

BE IT RESOLVED by the Council of the City of Modesto that the agreement with J.K.B Homes Corp. for payment for a portion of the construction of a storm drain in the Village One Central Storm Drainage Basin in return for credit against the taxes assessed against Community Facilities District obligations be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-373

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ELOUISE HANSON FROM THE GOLF COURSE ADVISORY COMMITTEE, EFFECTIVE JUNE 1, 1998

WHEREAS, Elouise Hanson was appointed a member of the Golf Course Advisory Committee on January 2, 1996; and

WHEREAS, Elouise Hanson has tendered her resignation from the Golf Course Advisory Committee, effective June 1, 1998; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Elouise Hanson from the Golf Course Advisory Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-374

A RESOLUTION, BY MOTION OF THE COUNCIL, PROPOSING A COMPANION CHARTER AMENDMENT REGARDING BINDING ARBITRATION FOR POLICE AND FIRE DEPARTMENT EMPLOYEE DISPUTES, TO BE PLACED ON THE BALLOT FOR THE NOVEMBER 3, 1998, ELECTION.

WHEREAS, a Charter Amendment Petition was circulated by its proponents and qualified, as verified by the Stanislaus County Clerk's Office, to place on the ballot a Charter amendment to add Article XII, Section 1206, to the existing City Charter regarding impartial arbitration for Police and Fire Department employee disputes, and

WHEREAS, by Council Resolution No. 98-257, adopted by the City Council on May 19, 1998, the City Council accepted the certification of the signature count for the Charter Amendment Petition regarding impartial arbitration for Police and Fire Department employee disputes, and requested the Board of Supervisors of the County of Stanislaus to consolidate a special municipal election to be held on November 3, 1998, with the statewide general election to be held on that date, pursuant to Section 10403 of the Elections Code, and

WHEREAS, on July 21, 1998, the City Council considered a proposed companion measure which, among other things, would require that any decision made by such an outside arbitration panel be subject to voter approval, and

WHEREAS, said proposed companion measure would go into effect only if the initial measure as proposed by the proponents were to pass,

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

SECTION 1. Pursuant to Article 11 Section 3 of the California Constitution and Section 9255(a)(2) of the California Elections Code, and California Government Code Section 34458, the Council of the City of Modesto proposes to and does hereby, on its own motion, submit to the qualified electors of the City of Modesto, at the special election to be consolidated with the statewide election to be held on November 3, 1998, a companion measure to amend the Charter of the City of Modesto, as follows:

PROPOSED AMENDMENT

TO THE CHARTER OF THE CITY OF MODESTO

Special Municipal Election

November 3, 1998

PROPOSED COMPANION MEASURE TO MEASURE A
(BINDING INTEREST ARBITRATION)

Section 1. The Council of the City of Modesto hereby proposes, on its own motion to add Article XII, Section 1206(e) to the Charter of the City of Modesto to read as follows:

Section 1206(e). GENERAL ARBITRATION PROVISIONS

Notwithstanding anything in this Article or in this Charter to the contrary, arbitration shall be subject to the following provisions:

(I) Arbitration shall be limited to issues of wages and benefits only. As used in this Article, "Wages and benefits" shall only mean

(A) Wage rates, including percentage or across-the-board wage increases or specialty pay; holiday pay; overtime pay; court pay; callback or hire back pay; master police officer and master detective pay; acting pay; certification pay; and assignment pay, and

(B) Medical, dental, vision, life and disability insurances; cafeteria plans; retirement pickups, insurance contributions and pension benefits to the extent negotiable by law; educational benefits; uniform allowance; vacation, holiday and sick leave benefits; and compensatory time off.

(ii) Arbitration shall be limited to resolution of impasse arising out of negotiations for a new or renewed Memorandum of Understanding between the parties. Arbitration shall not be utilized to resolve disputes or grievances concerning the interpretation or application of any negotiated Memorandum of Understanding or other agreement, or for any dispute arising during the effective period of an existing Memorandum of Understanding or other agreement.

(iii) No arbitration decision may be enforced nor may any additional financial costs be imposed on the taxpayers of the City as a result of any such arbitration decision without approval of the voters in a Citywide election. Notwithstanding any other provision of this Article, no wages, benefits or expenses relating to terms and conditions of employment shall be paid by the City pursuant to any arbitration decision under this Article unless and until additional revenues therefore have been approved in a Citywide election by a majority vote or any such greater voting percentage as may be required by any applicable provision of the California Constitution and/or State statutes. The City Council shall not be required to call an election under this Section more than once in any calendar year and may consolidate any such election with elections held for other purposes. City will pay all costs of any such election held on a regular municipal election date as provided for in Section 300 of this Charter. The costs of elections held on any other legally permissible date shall be borne equally by the parties, unless otherwise agreed by City Council.

(iv) Arbitration awards shall be in effect for a one (1) year period from the date of the final arbitration award. No award shall be retroactive or provide interest.

(v) Strikes shall be prohibited. As used in this Article, "strike" shall be interpreted to include, but shall not be limited to the following actions, whether taken individually or in concert with others, when scheduled to be on duty: sick out, slow down, work stoppage, curtailment of production, blue flu, sympathy strike, strike, refusal to perform fire or police department duties, and refusal to cross picket lines.

(vi) As provided in this Article, no employee who violates the prohibition against strikes shall be rehired.

(vii) As used in this Article, "Impasse" shall mean the point in time during labor negotiations when both parties have filed with the City Clerk a notice from each party that it has filed its "last, best and final offers" on all issues being negotiated together with a copy of its last, best and final offers on all issues being negotiated.

Section 2. Severability. If any provision or portion of this measure or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other portions, provisions or applications of the measure.
Section 3. Section 1206(e) shall be effective only if Measure A entitled "Impartial Arbitration for Police and Fire Department Employee Disputes" is enacted by the voters.

Section 4. Section 1206(e)(I) is intended to be an alternative to certain provisions in Measure A.

Section 5. Sections 1206(e)(ii), 1206(e)(iii), 1206(e)(iv), 1206(e)(v), 1206(e)(vi), and 1206(e)(vii) are intended to clarify, implement, and be compatible with provisions in Measure A.

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 Charter of the City of Modesto regarding impartial arbitration for Police and Fire Department employee disputes:

In the event the Modesto City Charter is amended to transfer authority to resolve public safety union contract disputes from the City Council to an outside arbitration panel, shall the Charter also be amended to require voter approval of any decisions made by such an outside arbitration panel?	YES	
	NO	

SECTION 3. That pursuant to Section 12114 of the California Elections Code, the City Clerk of the City of Modesto is hereby authorized to prepare and sign a Notice of Measure to be voted on, in the form required by law, relating to said measure, and said City Clerk is hereby authorized and directed to publish said Notice in the time and manner required by law in *The Modesto Bee*, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

SECTION 4. The Council hereby orders the City Clerk to submit a companion measure to the recently qualified measure on binding arbitration, to the voters at a special election on November 3, 1998.

SECTION 5. That the County Election Department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 6. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 7. That the City of Modesto recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Stanislaus.

SECTION 9. 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 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-375

A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR THE CARPENTER ROAD - KANSAS TO SISK IMPROVEMENTS/OVERLAY PROJECT FOR $1,711,579

WHEREAS, bids received for the Carpenter Road - Kansas to Sisk Improvements/overlay project were opened at 11:00 a.m. on March 11, 1998, and later tabulated by the Engineering Director for the consideration of the Council; and

WHEREAS, the Engineering Director has recommended that the bid of George Reed, Inc. for $1,711,579 be accepted as the lowest responsible bid; and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Friedman, Smith, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-376

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO FUND UTILITY IMPROVEMENTS INCLUDED IN THE OVERLAY PROJECT

WHEREAS, additional funds are needed to cover improvements that were included such as sanitary sewer, storm drainage and additional fire hydrants; and

WHEREAS, funds are partially budgeted and with additional funds coming from utility accounts.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

621-480-H386-6040 North Trunk Sewer	(201,000)
621-700-7000-7070 Transfer Out to #070	201,000
628-480-J755-6040 Carpenter Storm Drain	(86,084)
628-700-7000-7070 Transfer Out to #070	86,084
610-480-J509-6040 Extend Water Mains	(42,000)
610-700-7000-7070 Transfer Out to #070	42,000
070-430-H989-6040 Carpenter/Kansas/Sisk	329,084
070-700-7000-9621Transfer In from #621	201,000
070-700-7000-9628 Transfer In from #628	86,084
070-700-7000-9610 Transfer In from #610	42,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 21st day of July 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-377

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $30,000 FROM THE GENERAL FUND CONTINGENCY RESERVE TO THE GOLF FUND FOR THE MANAGEMENT AUDIT OF THE GOLF PROGRAM

WHEREAS, the Human Services Committee has recommended that a comprehensive management audit of the City Golf Program be conducted. The Committee recommended that the City enter into an agreement with Economic Research Associates; and

WHEREAS, funds need to be transferred from the General Fund Contingency Reserve to the Golf Fund to pay for the management audit.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expense:	#010-800-8000-8003	$(30,000)
	#660-330-3311-0235	$ 30,000
Transfer:	#660-700-7000-9010	$ 30,000
	#010-700-7000-7660	$ 30,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 21st day of July 1998, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-378

A RESOLUTION APPROVING A SCHEMATIC DESIGN FOR THE PROPOSED NEW POLICE HEADQUARTERS EXPANSION PROJECT AS PRESENTED BY THE ARCHITECT.

WHEREAS, the proposed Police Building Expansion Project will be accomplished by preparation of a Site Master Plan, construction of a new 40,000 square foot facility to accommodate administrative and investigative services, a remodel of the existing facility for field operations, and site improvements including structure demolition and new parking facilities, and

WHEREAS, notice to proceed with the design of the project was approved by the City Council on March 17, 1998, and design commenced on March 18, 1998, and

WHEREAS, on June 10, 1998, the Council's 10th Street Place Oversight Committee (Ad Hoc Committee) reviewed and approved the Site Master Plan for the project, and the architect continued with the Schematic Design, which design includes floor layouts and exterior elevations, and

WHEREAS, the design architect made a presentation of the Schematic Design to the Redevelopment Agency Design Review Committee on July 8, 1998, and the architect made a presentation to the Ad Hoc Committee on July 16, 1998, and

WHEREAS, the Council considered the Schematic Design for the proposed Police Headquarters Expansion Project at its meeting of July 21, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Schematic Design for the proposed Police Headquarters Expansion Project. Approval of this Schematic Design will allow the architect to continue with Design Development, which is the next phase of work by the architect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-379

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER A PROPOSED WATER RATE INCREASE IN ZONE 3, SERVING THE FORMER DEL ESTE SERVED COMMUNITIES OF SALIDA, DEL RIO, WATERFORD, HICKMAN, GRAYSON AND PARTS OF CERES AND TURLOCK, AND A FIRE STANDBY SURCHARGE FOR THE TURLOCK CUSTOMERS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Tuesday, October 6, 1998, at 7:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of the proposed 15% across-the-board water rate increase in Zone 3, serving the former Del Este served communities of Salida, Del Rio, Waterford, Hickman, Grayson and parts of Ceres and Turlock, and a fire standby surcharge for the Turlock customers.

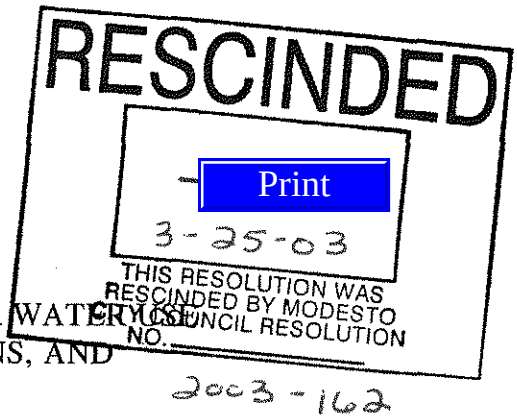
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 98-380

A RESOLUTION REVISING GUIDELINES FOR WATER USE DURING STAGE ONE DROUGHT CONDITIONS, AND RESCINDING RESOLUTION NO. 91-666.

WHEREAS, on May 14, 1991, the City Council approved the City of Modesto Drought Contingency Plan, which plan provides for the staged responses to conditions of projected shortfall in the City water supply system, and

WHEREAS, the Drought Contingency Plan of the City of Modesto provides that when the City determines that a minor shortage potential exists, that a Stage One Drought Condition can and shall be declared, and

WHEREAS, Section 11-1.14 of the Modesto Municipal Code authorizes the Council to establish rules and regulations by resolution concerning the City's municipal water system, the use of water, and water conservation, and

WHEREAS, on November 5, 1991, the City Council adopted Resolution No. 91-666 entitled, "*A Resolution Establishing Guidelines for Water Use During the Stage One Drought Condition, and Rescinding Resolution No. 91-291*", and

WHEREAS, pursuant to an Agenda Report dated July 10, 1998, City staff has recommended amending the City's Drought Contingency Plan to eliminate the requirement that outdoor water use occur only on certain days of the week based on a resident's street address, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on July 21, 1998, the City Council considered said staff recommendation to eliminate the requirement that outdoor water use occur only on certain

days of the week based on a resident's street address,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby eliminates the requirement that outdoor water use occur only on certain days of the week based on a resident's street address and revises the guidelines for water use during Stage One Drought conditions, as follows:

SECTION 1. The Operations and Maintenance Department (formerly existing in the Public Works & Transportation Department) shall implement the strategies and enforcement procedures applicable during a Stage One Drought Condition as provided in the City's Drought Contingency Plan.

SECTION 2. In accordance with the Drought Contingency Plan, the following rules and regulations are established for use during a Stage One Drought Condition. Violations of these regulations will be considered water waste.

1. City residents shall not water lawns or gardens or allow others to water on their behalf so that excess water leaves property being watered.

2. City residents shall not wash cars without the use of a quick-acting positive shut-off nozzle or permit others to do so on their behalf. In addition, car washing must be done in compliance with the schedule for outdoor water use. There shall be no washing of building exteriors, mobile home exteriors, recreational vehicle exteriors, sidewalks, patios, driveways, gutters, or other exterior surfaces unless a permit is issued by the Operations and Maintenance Department Director or his designee and the washing is done with the use of a quick-acting positive shut-off nozzle on the hose.

3. City resident shall not have leaky faucets or plumbing fixtures or premises for a reasonable period of time after which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after the water user discovers such break, leak or malfunction, or receives notice from the

City, whichever occurs first, is a reasonable time within which to correct such a condition or to make arrangements for the correction.

4. Eating establishments are encouraged to serve water only at the customer's request.

5. New landscaping installations must comply with all landscape ordinances.

6. Outdoor water use may occur only when permitted by the following schedule:

   a. There shall be no outdoor water use between the hours of 12:00 p.m. and 7:00 p.m. on any day. However, whenever Standard Time is in effect, said time restriction shall not be in force, and outdoor water use shall be limited only as hereinafter provided.

7. Exceptions to the regulations set forth herein may be given by the Operations and Maintenance Department or his authorized designee upon a showing of good cause and necessity.

8. The following penalties may be added to the utility service customer's account upon violation of the above regulations:

   a. A penalty in the sum of $50 upon the second violation within one year after having received a Notice of Violation.

   b. A penalty of $200 upon the third violation within said one year period.

   c. The customer shall be advised of these charges through a Notice of Intention to Impose a Penalty.

BE IT FURTHER RESOLVED that Resolution No. 91-666 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Smith, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-381

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION UNDER THE FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM FOR FEDERAL FUNDS FOR AN INTERACTIVE FIREARMS TRAINING SIMULATOR.

WHEREAS, the Federal Government has released another round of funds under the noncompetitive Local Law Enforcement Block Grant Program, and

WHEREAS, the Police Department desires to submit an application for an Interactive Firearms Training Simulator, for firearms training and 25 mobile workstations which would be installed in the Department's patrol vehicles, and

WHEREAS, the Federal Grant Program would provide a ninety (90%) percent grant in the amount of $371,714, with a ten (10%) percent local match requirement, therefore, the City must match $371,714 with $41,302 in local funds, to be provided by the Police Department's Asset Forfeiture Trust Account, for a total project cost of $413,016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto or his authorized designee are hereby authorized to execute and submit an application and grant-related documents to the Federal Government for the Local Law Enforcement Block Grant Program for a ninety (90%) percent grant in the amount of $371,714, for an Interactive Firearms Training Simulator, for firearms training and 25 mobile workstations which would be installed in the Department's patrol vehicles, which requires $41,302 in local funds, a ten (10%) percent local match.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-382

A RESOLUTION AN AGREEMENT WITH SEVEN-UP BOTTLING COMPANY FOR INSTALLING COIN-OPERATED SODA VENDING MACHINES IN DAVIS, DOWNEY, GRACEADA, AND EAST LA LOMA PARKS IN THE CITY OF MODESTO

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Seven-Up Bottling Company for installing coin-operated soda vending machines in Davis, Downey, Graceada, and East La Loma Parks in the City of Modesto be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Friedman, Smith, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-383

A RESOLUTION AMENDING RESOLUTION NO. 96-294, AND RESOLUTION NO. 97-533, REGARDING ORDERING THE PELANDALE-SNYDER REORGANIZATION TO THE CITY OF MODESTO, ANNEXATION TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1, AND DETACHMENT FROM THE SALIDA FIRE PROTECTION DISTRICT, TO INCLUDE THE CITY'S INTENTION TO NOT SUCCEED TO A PROTESTED WILLIAMSON ACT CONTRACT FOR THE SOUTHERLY PORTION OF THE WATERMAN PARCEL.

WHEREAS, Modesto City Council Resolution No. 96-294 entitled, *A Resolution Ordering the Pelandale-Snyder Reorganization to the City of Modesto, Annexation to the Modesto Municipal Sewer District No. 1, and Detachment from the Salida Fire Protection District (Uninhabited),* was adopted by the Council of the City of Modesto on the 4th day of June, 1996, and

WHEREAS, Modesto City Council Resolution No. 97-533 amended Resolution No. 96-294 to include a provision finding that resolutions protesting Williamson Act contracts (Government Code Sections 51240, et seq.) were filed by the City by Modesto City Council Resolutions Nos. 74-104, 74-106, 75-299, 76-287, 76-288, 76-290, 76-1373, 76-1374, and 77-1093, with the Local Agency Formation Commission, and approved by the Local Agency Formation Commission with respect to the territory annexed to the City by virtue of Resolution No. 96-294, and

WHEREAS, the Local Agency Formation Commission, following hearings, by LAFCO Resolutions adopted on November 22, 1977, March 28, 1978, and April 19, 1978, upheld the City's protest resolutions, upon a finding that the Williamson Act contracts, including the annexed territory, were inconsistent with the publicly desirable future use and control of the land in question, and

WHEREAS, the City exercised its option provided in Government Code Section 51243(b) of not succeeding to the contracts upon annexation of the land to the City, for which the Williamson Act contracts were executed prior to January 1, 1991, and

WHEREAS, the amendments made to Government Code Section 51243 by Assembly Bill No. 2764 of the 1989-90 regular session, do not apply to the subject Williamson Act contracts because valid protests as above-described were filed with the Local Agency Formation Commission by the City in accordance with applicable requirements prior to January 1, 1991, and

WHEREAS, Resolution No. 97-533 adopted on June 4, 1996, inadvertently omitted one property that has a protested contract owned by Margaret Waterman, which omission was brought to the City's attention by the County Assessors Office, which is responsible for administering provisions of the Williamson Act, and

WHEREAS, the Council desires to amend Resolution No. 96-294, as amended by Resolution No. 97-533, to clarify the City's intention to not succeed to a protested Williamson Act contract for the Waterman parcel,

NOW, THEREFORE, BE IT RESOLVED, that based on each of the foregoing facts, Resolution No. 96-294 and Resolution No. 97-533 are hereby amended to include the City's intention to not succeed to a protested Williamson Act contract for the southerly portion of the Waterman parcel, which property is more particularly 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 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

July 21, 1998
Job No. 71154A

EXHIBIT "A"

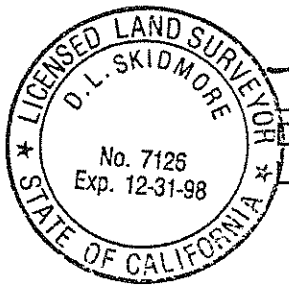
WILLIAMSON ACT CANCELLATION
RED ROCK RANCH

ALL that certain real property being a portion of LOTS 2 and 11 of the NASH TRACT, as shown on the Official Map thereof, filed for record on December 22, 1908 in Book 4 of Maps at Page 10, Stanislaus County Records, lying within the South half of Section 6, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California being more particularly described as follows:

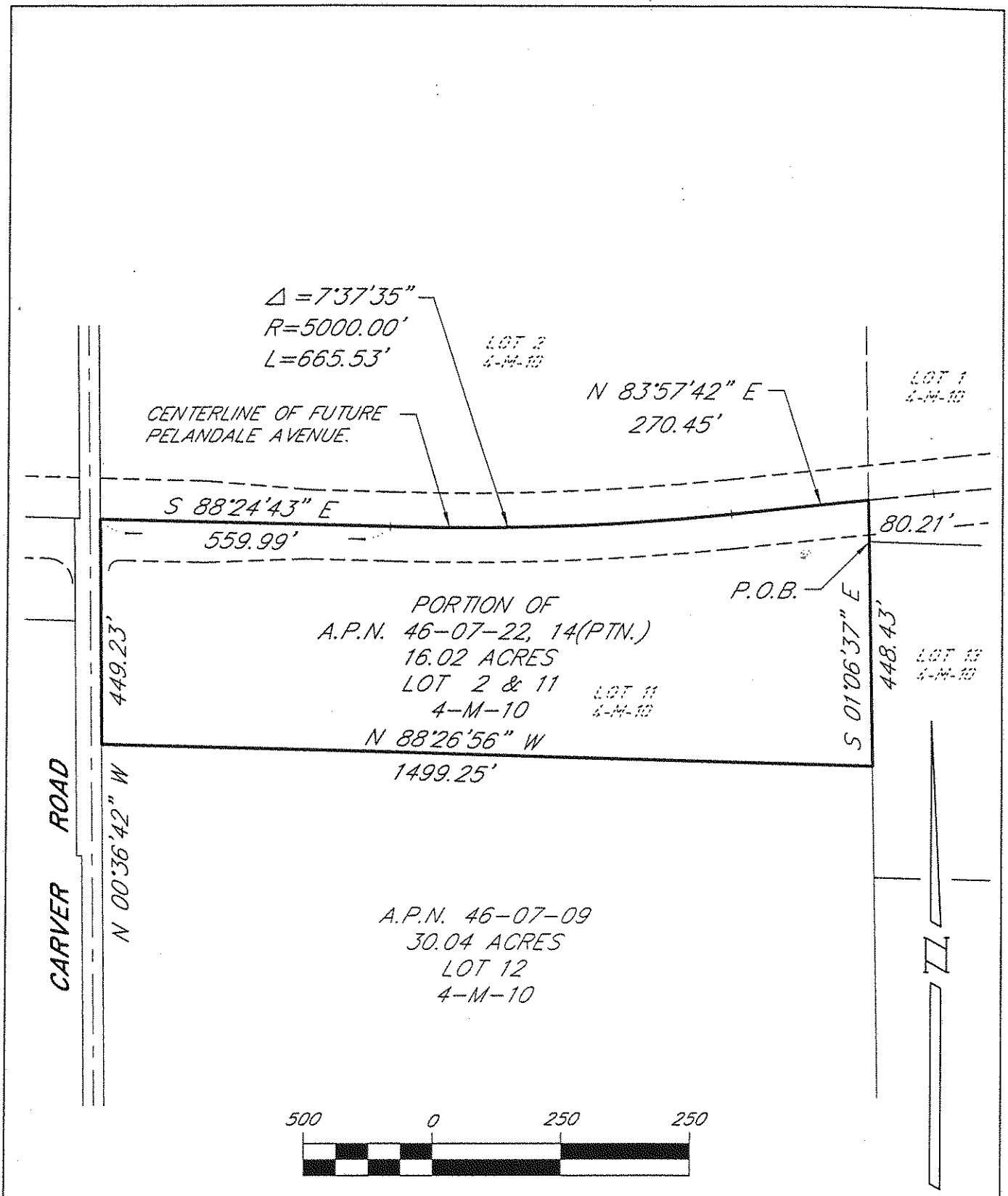
BEGINNING at the Northeast corner of the above mentioned LOT 11; thence South 01°06'37" East along the East line of said LOT 11, a distance of 448.43 feet; thence leaving last said line and proceeding North 88°26'56" West, a distance of 1499.25 feet to a point on the East right-of-way line of Carver Road; thence North 00°36'42" West along said right-of-way line, a distance of 449.23 feet; thence leaving said right-of-way line and proceeding South 88°24'43" East, a distance of 559.99 feet to the beginning of a curve concave to the Northwest, having a radius of 5000.00 feet; thence Easterly 665.53 feet along said curve through a central angle of 07°37'35"; thence North 83°57'42" East, a distance of 270.45 feet to a point on the East line of the above mentioned LOT 2; thence South 01°06'37" East along last said line, a distance of 80.21 feet to the POINT OF BEGINNING.

SUBJECT TO all easements and/or rights-of-way of record.

Containing 16.02 acres, more or less.



Dave L. Skidmore, L.S. 7126
License Expires 12/31/98



Drawn	E.T.
Date	7-21-98
Scale	NOTED
Job No.	71-154A
Dwg.	REDROCK

PLAT TO ACCOMPANY LEGAL DESCRIPTION

RED ROCK RANCH
PTN. 6/3S/9E, MDB & M,
CITY OF MPDESTO , CALIFORNIA

mid-valley engineering
900 H ST. STE. G , MODESTO, CALIFORNIA , 95354
(209) 526-4214
FAX (209) 526-0803

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-384

A RESOLUTION APPOINTING RANDY CLARK TO THE COMMUNITY QUALITIES FORUM, TERM TO EXPIRE JANUARY 1, 2002

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

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

SECTION 1. Randy Clerk is hereby appointed to the Community Qualities Forum, term to expire January 1, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad, Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-385

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 96-375.

WHEREAS, pursuant to licenses issued by the City of Modesto providing for the collection of garbage, charges to customers for garbage service in the City of Modesto shall be set by the City Council by resolution and may be revised from time to time after holding a public hearing thereon, and

WHEREAS, the City Council has previously, by Resolution No. 96-375, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Utility Services and Franchise Committee has recommended to the City Council a revised schedule of maximum rates and charges for garbage service in the City of Modesto as shown on Exhibit "A" attached hereto, commencing July 1, 1998, and

WHEREAS, July 28, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended revisions of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, a report dated July 20, 1998, from the Engineering and Transportation Department, a copy of which is on file in the office of the City Clerk, sets

forth recommended revisions of rates and charges for the collection of garbage in the City of Modesto, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Maximum Charges for Garbage Service, which is attached hereto as Exhibit "A", is the revised schedule of maximum rates and charges to be charged by all licensed collectors of garbage in the City of Modesto for garbage service is hereby adopted effective July 1, 1998, until revised by the City Council.

BE IT FURTHER RESOLVED that any person who has prepaid garbage service charges for residential garbage service shall be entitled to receive garbage service for the balance of said prepaid period at the prepaid rates.

BE IT FURTHER RESOLVED that Resolution No. 96-375 is hereby superseded, effective July 1, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Fisher, Friedman

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"
July 1, 1998

MAXIMUM CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Maximum Monthly Rates
(Once a Week Pickup Service)

The following maximum rates are for existing customers prior to July 1, 1996:

One 60 gallon container	$12.69
One 90 gallon container	$15.15
Each additional container	$11.98

The maximum rate for new sign ups for service or change in service after July 1, 1996, shall be charged $15.15 per month regardless of size of container. The maximum rate for each additional garbage container shall be $11.98 per month.

The above maximum standard container rate shall apply for service when containers are placed in a location set forth in Section 5-5.11 of the Municipal Code.

DETACHABLE CONTAINERS*

Number of Collections Per Week

Container Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
1 CY	32.19	53.88	75.56	97.25	118.93	140.62
1½ CY	43.04	75.57	108.11	140.64	173.17	205.70
2 CY	53.88	97.25	140.62	183.99	227.35	270.72
3 CY	75.56	140.62	205.67	270.72	335.78	400.83
4 CY	97.25	183.99	270.72	357.46	444.20	530.94
5 CY	118.93	227.35	335.78	444.20	552.63	661.05
6 CY	140.62	270.72	400.83	530.94	661.05	791.16

*These maximum rates reflect an adjustment for tip fees retroactive to July 1, 1996, and an allocation for hazardous materials indemnification insurance.

DETACHABLE CONTAINER RENTAL RATES
ARE INCLUDED IN ABOVE SCHEDULE

Detachable container size	1 CY to 6 CY
Monthly rental rate	$10.00

DROP BOX CONTAINERS

Pick up charge	$134.04 per pick up
Rental	$2.42 per day with $60.50 maximum for each 30-day rental period
Disposal charge	Actual charge to be paid by customer

Garbage company will provide up to 40 CY Drop Box containers for above stated charges subject only to load limit of transfer vehicle.

COMPACTORS**

Front Loader Type:

Compactor Size	NUMBER OF COLLECTIONS PER WEEK					
	1	2	3	4	5	6
3 CY	115.45	230.90	346.35	461.80	577.25	692.70
4 CY	150.60	301.20	451.80	602.40	753.00	903.60

**These maximum rates reflect an adjustment for tip fees. This adjustment has not been made since July 1, 1996. The maximum rates also the first in a series of 4 annual adjustments to more accurately reflect the proportionality of disposal as a percent of total costs.

Roll-Off Type:

6 CY to 40 CY	$134.04 per pickup
Washing of compactor at the request of customer	$30.00
Disposal Charge:	Actual charge to be paid by customer

EXTRA PICKUPS***

Standard containers or equivalent	$3.50 plus $1.38/container
Detachable containers	$12.00 plus $2.75/CY

***These maximum rates reflect an adjustment for tip fees which has not been made since July 1, 1996.

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

1. The above maximum residential rates include the $0.10 per month per household recycling fee payable to the City by the garbage company.
2. 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.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-386

A RESOLUTION ACCEPTING THE BID OF K. J. WOODS CONSTRUCTION INC. FOR THE PROJECT TITLED "NORTH TRUNK SEWER - MARSALA - BANGS TO CARVER" PROJECT

WHEREAS, the bids received for North Trunk Sewer - Marsala - Bangs to Carver project were opened at 11:00 a.m. on May 19, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of K.J. Woods Construction Inc. for $2,424,000.00 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-387

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $347,386 TO FULLY FUND NORTH TRUNK SEWER - MARSALA - BANGS TO CARVER PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 612 480 J963; $347,386

TO: 612 480 K230; $347,386

The above represents a transfer of funds to account for the installation of a water transmission main as a part of the North Trunk Sewer Project. The Bangs Avenue Waterline has become a hi8gher priority, and the main at Hatch/Morgan are not immediately required and can be delayed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-388

Print

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED AIRPORT DISTRICT IMPROVEMENT – PHASE III

WHEREAS, the bids received for Airport District Improvement – Phase III were opened at 11:00 a.m. on July 7, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of ? be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed Inc. for $1,148,569.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-389

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $647,000 TO FULLY FUND AIRPORT DISTRICT IMPROVEMENTS - PHASE III PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM:	113 430 F687 All;	$ 52,000
	113 430 H056 All;	343,000
	113 430 J478 All;	204,000
	113 430 J233 All;	8,000
	113 430 J238 All;	40,000
TO:	113 480 J234 6010;	$ 3,000
	113 480 J234 6040;	523,000
	113 480 J234 6050:	44,000
	113 480 J234 6060;	77,000

The above represents a consolidation of funds designated for Airport Neighborhood Streets. This is being done for ease of accounting and auditing purposes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-390

A RESOLUTION ACCEPTING THE BID OF SOARES UNDERGROUND CONSTRUCTION FOR THE PROJECT TITLED "ALICE STREET - MCHENRY AVENUE SEWER BYPASS"

WHEREAS, the bids received for Alice Street - McHenry Avenue Sewer Bypass were opened at 11:00 a.m. on July 7, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Soares Underground Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Soares Underground Construction for $223,496 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-391

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $146,700 TO FULLY FUND ALICE STREET - MCHENRY AVENUE SEWER BYPASS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 621-480-H016 6040; $146,700

TO: 621-480-F709 6040; $146,700

Rehabilitation of sewer lines at two sites were orginally budgeted in account H016 Annual Sewer Rehabilitation. These sewer lines physically connect to the sewer line on McHenry Avenue and were combined with the Alice/McHenry project for purposes of construction. Funds will be used as intended in the CIP document.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-392

A RESOLUTION ACCEPTING THE BID OF TRU-TECH COATING AND ROOFING SYSTEM FOR THE PROJECT TITLED "RE-ROOF AIRPORT HANGAR #3 - J852"

WHEREAS, the bids received for Re-Roof Airport Hangar #3 - J852 were opened at 11:00 a.m. on June 19, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Tru-Tech Coating and Roofing System be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Tru-Tech Coating and Roofing System for $15,975 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-392A

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR ROOF REPAIR

WHEREAS, this project is part of the Airport's 1997-98 CIP to reconstruct a hanger roof. The project was bid on two different occasions and both times the bids have been higher than the project's budget; and

WHEREAS, an additional $5,000 will be needed to support the project work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures	
#632-800-8000-8003 Airport Contingency Reserve	$(5,000)
#632-480-J852-6040 Reroof Airport Hanger #3	$ 5,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July 1998, by Councilmember Freidman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Cathryn Brown for
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-393

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE LOADER/BACKHOE FROM EMPIRE EQUIPMENT COMPANY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one loader/backhoe from Empire Equipment Company is hereby waived.

BE IT FURTHER RESOLVED that purchase of one loader/backhoe from Empire Equipment Company for a not to exceed price of $64,371.31.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-394

A RESOLUTION APPROVING THE REFINANCE OF THE 1992 FIRE TRAINING CENTER DEBT IN AN AMOUNT NOT TO EXCEED $700,000 AND RELATED DOCUMENTS, AND AUTHORIZING RELATED ACTIONS IN CONNECTION THEREWITH.

WHEREAS, pursuant to Resolution No. 92-321 adopted June 9, 1992, and the Agreement for the Joint Use and Management of the Regional Fire Training Center, Modesto Junior College, dated July 1, 1992, the City previously agreed to share the cost of constructing the Training Center in an aggregate principal amount of $800,000, and

WHEREAS, the City of Modesto, after due investigation and deliberation, has determined that it is in the interests of the City at this time to refinance the 1992 Fire Training Center debt, in an aggregate principal amount not to exceed $700,000, and

WHEREAS, the balance of the Fire Training Center debt is proposed to be refinanced through a commercial loan collateralized by a Certificate of Deposit with Bank of the West (the "Bank"), pursuant to the Note described below,

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

SECTION 1. Bank Loan. The City Council hereby authorizes commercial loan borrowing in an aggregate principal amount not to exceed $700,000. The loan is to be collateralized with a Certificate of Deposit with a face value at least equal to the principal balance outstanding plus one year interest.

SECTION 2. Note. The City Council hereby approves the form of the Note by and between the City and the Bank together with any additions thereto or changes therein deemed

necessary or advisable by the City Attorney or Director of Finance, whose execution thereof shall be conclusive evidence of such officer's approval of any additions and changes. The interest rate will be 1.00% above the rate paid by the Bank on the pledged collateral certificates of deposit. The Finance Director is hereby authorized and directed to execute the Note for and in the name and on behalf of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th of July 1998, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Smith was upon roll call carried and the Resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None.

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZHAR, City Clerk

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

RESOLUTION NO. 98-395

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE ISSUANCE OF COMMUNITY FACILITIES DISTRICT NO. 1998-1 (ENTERPRISE BUSINESS PARK) SPECIAL TAX BONDS SERIES 1998, APPROVING AN INDENTURE, A BOND PURCHASE AGREEMENT AND AN OFFICIAL STATEMENT IN CONNECTION THEREWITH; AUTHORIZING THE DISTRIBUTION OF THE OFFICIAL STATEMENT; AND AUTHORIZING OTHER RELATED ACTIONS AND THE EXECUTION OF OTHER RELATED DOCUMENTS

WHEREAS, this Council has conducted proceedings under and pursuant to the Mello-Roos Community Facilities Act of 1982 (the "Act"), to form Community Facilities District No. 1998-1 (the "District"), to authorize the levy of special taxes upon the land within the District, and to issue bonds in the principal amount of not to exceed $2,025,000, secured by the special taxes, for the purpose of financing certain public facilities;

WHEREAS, this Council desires to provide for the issuance of the bonds and to authorize the issuance of such bonds, designated Community Facilities District No. 1998-1 (Enterprise Business Park) Special Tax Bonds Series 1998 (the "Bonds") pursuant to the Act;

WHEREAS, there has been submitted to this Council a form of indenture (the "Indenture") authorizing the issuance of the Bonds;

WHEREAS, all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds as contemplated by this Resolution and the documents referred to herein exist, have happened and have been performed in due time, form and manner as required by the laws of the State of California, including the Act;

WHEREAS, the City proposes to sell the Bonds to Westhoff, Cone & Holmstedt (the "Underwriter") pursuant to the terms of a Bond Purchase Agreement (the "Bond Purchase Agreement") between the City and the Underwriter;

WHEREAS, the Underwriter proposes to offer the Bonds to the investing public by means an official statement (the "Official Statement"), the form of which has been presented to this Council and is on file with the City Clerk; and

WHEREAS, it appears that each of the documents and instruments which are now before this Council is in appropriate form and is an appropriate document or instrument to be executed and delivered for the purpose intended.

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

1. Recitals. The foregoing recitals are true and correct.

2. Issuance of Bonds; Approval of Indenture. Pursuant to the Act, this Resolution and the Indenture, special tax bonds designated as "Community Facilities District No. 1998-1 (Enterprise Business Park) Special Tax Bonds Series 1998" in an aggregate principal amount not to exceed $2,025,000, are hereby authorized to be issued. The Bonds shall be executed in the form set forth in and otherwise as provided in the Indenture.

In furtherance of the issuance of the Bonds, the City Council hereby determines that: (i) the Bonds will not be sold unless they are credit enhanced by a letter of credit; and (ii) on the basis of the foregoing, the proposed Bonds do not present any unusual credit risk.

The City Council hereby approves the form of Indenture on file with the City Clerk. The Mayor, the City Manager or the Interim Finance Director is hereby authorized and directed to execute the Indenture, for and in the name and on behalf of the City, in substantially such form, together with any additions thereto or changes therein deemed necessary or advisable by the Interim Finance Director upon consultation with Bond Counsel and the City Attorney, such approval to be conclusively evidenced by the execution and delivery thereof, and the City Clerk is hereby authorized and directed to attest such execution and deliver the Indenture on behalf of the City. The proceeds of the Bonds shall be applied by the City for the purposes and in the amounts as set forth in the Indenture.

3. Appointment of Bond Counsel and Disclosure Counsel. Brown & Wood LLP, San Francisco, California and Nossaman, Guthner, Knox & Elliott, LLP, San Francisco, California, are hereby appointed to serve as bond counsel and disclosure counsel, respectively, with respect to the issuance of the Bonds. The Mayor, the City Manager or the Interim Finance Director is hereby authorized and directed, for and in the name of and on behalf of the City to engage such firms for such services and to negotiate a fee for their services to be provided in conjunction with the issuance of the Bonds, such fees, with disbursements, to be paid as a cost of issuance of the Bonds.

4. Approval of Bond Purchase Agreement. The form and substance of the Bond Purchase Agreement for the Bonds is hereby approved. The Interim Finance Director is hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Bond Purchase Agreement in substantially such form, together with such changes therein as the Interim Finance Director may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof; provided, however, that (a) underwriter's discount shall not exceed 1.5% and (b) the maximum interest rate on the Bonds shall not exceed 12%, and the maximum term of any maturity shall not extend beyond the year 2020.

5. Approval of Official Statement. The City Council hereby approves the form of the Official Statement substantially in the form lodged with the City Clerk. The City Manager or the Interim Finance Director (as the case may be) of the City is authorized (i) to make such changes in the Official Statement, deletions therefrom and modifications thereof as the City Manager or the Interim Finance Director (as the case may be) shall approve, and (ii) to execute and deliver the Official Statement on or following the date of sale of the Bonds, the execution of the Official Statement by any of said persons to be conclusive evidence of the approval thereof. The City Manager or the Interim Finance Director (as the case may be) is hereby authorized and directed to execute a certificate deeming the Official Statement final for purposes of Rule 15c2-12 of the Securities Exchange Commission. The City Manager or the Interim Finance Director (as the case may be) shall cause copies of the Official Statement to be delivered to the Underwriter no later than seven business days following the sale of the Bonds to the Underwriter. The City Council hereby consents to and approves the distribution and circulation of the Official Statement by the Underwriter in connection with the offering, marketing and sale of the Bonds.

6. Official Actions. All actions heretofore taken by the officers and agents of the City with respect to the establishment of the District and the sale and issuance of the Bonds, are hereby approved, confirmed and ratified, and the officers of the City are hereby authorized and directed to do any and all things and take any and all actions and execute any and all certificates, agreements and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Bonds, in accordance with this Resolution, and any certificate, agreement, and other document described in the documents herein approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

RESOLUTION NO. 98-396

A RESOLUTION APPROVING AN AGREEMENT TO CONSTRUCT AND ACQUIRE PUBLIC IMPROVEMENTS FOR COMMUNITY FACILITIES DISTRICT NO. 1998-1
(Enterprise Business Park)

RESOLVED, by the City Council of the City of Modesto, California, that:

WHEREAS, this Council is conducting proceedings pursuant to appropriate special assessment and assessment bond acts for the acquisition of certain public improvements in this City; and

WHEREAS, there has been submitted to this Council a proposed form of agreement, entitled "Agreement to Construct and Acquire Public Improvements for Communities Facilities District No. 1998-1" (the "Agreement") by and between this City and the developer named therein (the "Developer");

NOW THEREFORE, IT IS ORDERED AS FOLLOWS:

1. The proposed form of the Agreement between this City and the Developer, heretofore submitted to this Council, is approved.

2. The Mayor, the City Manager or the Interim Finance Director is authorized and directed, for and on behalf of the City, to execute, and the City Clerk is authorized and directed to attest, the Agreement in substantially the form presented to this Council, with such changes thereto as the Mayor, City Manager or the Interim Finance Director may require or approve, such approval to be conclusively evidenced by execution, attestation and delivery of the Agreement to the Developer.

3. The amounts provided to be paid pursuant to the Agreement shall be paid from the taxes to be levied and the bonds to be issued in these proceedings and not otherwise.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-397

A RESOLUTION OF THE CITY OF MODESTO ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT NO. 27.

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Improvement District #27 (hereinafter "District"), issue bonds, and levy assessments, and approved the Engineer's Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the storm drainage improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which were passed by the voters in November 1996, and

WHEREAS, the City Council has further determined that charges are in

compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 1998-99 fiscal year, and that a certified copy of this resolution together with appropriate documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1998-99 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duerksen
BELINDA DUERKSEN, Senior Accountant

MODESTO CITY COUNCIL
RESOLUTION NO. 98-398

Print

A RESOLUTION OF THE CITY OF MODESTO ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT NO. 28.

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Improvement District #28 (hereinafter "District"), issue bonds, and levy assessments, and approved the Engineer's Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the sewer improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which were passed by the voters in November 1996, and

WHEREAS, the City Council has further determined that charges are in

compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 1998-99 fiscal year, and that a certified copy of this resolution together with appropriate documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1998-99 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa,

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duerksen
BELINDA DUERKSEN, Senior Accountant

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-399

A RESOLUTION OF THE CITY OF MODESTO ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN IMPROVEMENT DISTRICT NO. 29.

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Improvement District #29 (hereinafter "District"), issue bonds, and levy assessments, and approved the Engineer's Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the street and water system improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which were passed by the voters in November 1996, and

WHEREAS, the City Council has further determined that charges are in

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By
BELINDA DUERKSEN, Senior Accountant

MODESTO CITY COUNCIL
RESOLUTION NO. 98-400

Print

A RESOLUTION OF THE CITY OF MODESTO ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN PUBLIC FACILITIES DISTRICT #6

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form Public Facilities District #6 (hereinafter "District"), issue bonds, and levy assessments, and approved the Engineer's Report that describes the formation, bond issuance and the assessments against parcels of land within the District, pursuant to the provisions of the Municipal Improvement Act of 1913, Part 1 of Division 12 of the Streets and Highways Code of the State of California, commencing with Section 1000, and the Improvement Bond Act of 1915, Division 10 of the Streets and Highways Code of California, beginning with Section 8500, and

WHEREAS, the charges against the real property in each assessment area are not levied with regard to property values but rather per the method of spread indicated in the Engineer's Report, and these charges are for the purpose of paying for the street and water system improvements, and

WHEREAS, the City Council has determined and certifies that the charges are either exempt from or in compliance with all the provisions of Proposition 218 which were passed by the voters in November 1996, and

WHEREAS, the City Council has further determined that charges are in

compliance with all laws pertaining to the levy of such charges,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the levy and collection of assessments within the District for the 1998-99 fiscal year, and that a certified copy of this resolution together with appropriate documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1998-99 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By Belinda Duerksen
BELINDA DUERKSEN, Senior Accountant

MODESTO CITY COUNCIL
RESOLUTION NO. 98-401

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CORN AND HARRIS DEVELOPMENT, LLC, FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE NORTH TRUNK SEWER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Corn and Harris Development, LLC, for the acquisition of property rights needed for the North Trunk Sewer be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-402

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HANS WAGNER, DONALD E. WAGNER TRUST, AND JOHN REGUSCI FOR THE ACQUISITION OF PROPERTY RIGHTS NEEDED FOR THE NORTH TRUNK SEWER PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hans Wagner, Donald E. Wagner Trust, and John Regusci for the acquisition of property rights needed for the North Trunk Sewer Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-403

Print

A RESOLUTION APPOINTING RENAE COOKSEY AND ROBERT MAYBERRY TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. Renae Cooksey and Robert Mayberry are hereby appointed to the Human Relations Commission; Ms. Cooksey with a term expiration of January 1, 2003 and Mr. Mayberry with a term expiration of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Human Relations 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 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-404

A RESOLUTION APPOINTING TAMMY VANDEN BOSCH 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;

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

SECTION 1. Tammy Vanden Bosch is hereby appointed to the Disabled Access Appeals Board, with a term expiration of January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Disabled Access Appeals Board, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-405

Print

A RESOLUTION APPOINTING EVERETT JACKSON TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE

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

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

SECTION 1. Everett Jackson is hereby appointed to the Economic Development Loan Committee, with a term expiraton of January 1, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Economic Development Loan Committe, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of July, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

RESCINDED
1998-431
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

Clerk 3

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-406

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(531). (KEARNEY VENTURES)

WHEREAS, a verified application for an amendment to Section 21-3-9 of the Zoning Map was filed by Kearney Ventures on May 11, 1998, to reclassify from General Commercial Zone, C-2, to Planned Development Zone, P-D(531), to allow C-3 commercial uses including a mini warehouse storage facility, property located on the east side of McHenry Avenue south of East Orangeburg Avenue at 1234 McHenry Avenue, described as follows:

C-2 to P-D(531)

All that certain real property situate in a portion of the southwest quarter of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Lot 15 shown on that certain map of the Mensinger Colony, filed in the office of the Recorder of Stanislaus County, California, on May 18, 1909, in Volume 4 of Maps, Page 25;

Excepting therefrom the easterly 10.00 feet.

and

WHEREAS, after a public hearing held on July 6, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-46, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed planned development zone, by reason of its plot plan design and conditions of approval is compatible with existing and potential surrounding development.

2. That the requested planned development zone for a mini storage facility and uses as permitted in the C-3, Highway Commercial Zone is within an area designated by the General Plan for (C) Commercial Uses.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on August 4 , 1998, in the City Council Chambers, City Hall, 801 11th 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 Kearney Ventures for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-46 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3094 -C.S. on the 4th day of August , 1998, reclassifying the above-described property from General Commercial Zone, C-2, to Planned Development Zone, P-D(531).

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

1. All development shall conform to the plot plan and floor plans titled "Plot to accompany P-D application, Kearney Ventures" as amended in red, stamped approved by the City Council on August 4, 1998.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Director. A two-foot-wide planter area shall be installed between the east wall of the one-story mini storage units, and the adjacent alley to provide for a vine covering of the adjacent storage unit wall. Landscaping and the irrigation system shall be in-stalled and maintained in accordance with the approved plan.

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

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

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

6. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

7. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.

8. Prior to issuance of a building permit the developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the north, substantially as shown in red on the plot plan.

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

10. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment

shall be soundproofed as required by the Engineering and Transportation Director.

11. All signs shall comply with the sign requirements of the C-2 Zone.

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

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(531):

The entire construction program be accomplished in one phase, construction to begin on or before July 6, 2000, and completion to be not later than July 6, 2001.

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

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

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(531), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-407

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 21-3-9 OF THE ZONING MAP TO REZONE FROM GENERAL COMMERCIAL ZONE, C-2, TO PLANNED DEVELOPMENT ZONE, P-D(531), PROPERTY LOCATED ON THE EAST SIDE OF MCHENRY AVENUE SOUTH OF EAST ORANGEBURG AVENUE AT 1234 MCHENRY AVENUE TO ALLOW C-3 COMMERCIAL USES INCLUDING A MINI WAREHOUSE STORAGE FACILITY. (KEARNEY VENTURES)

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

WHEREAS, Kearney Ventures has proposed that the zoning designation for the property located on the east side of McHenry Avenue south of East Orangeburg Avenue at 1234 McHenry Avenue, be amended to rezone from General Commercial Zone, C-2, to Planned Development Zone, P-D(531), in the City of Modesto ("the project"), to allow C-3 commercial uses including a mini warehouse storage facility, and

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study 98-26 reviewed the proposed amendment to the Zoning Map and rezone to P-D(531) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(531) project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto
Initial Study

EA NO. 98-26

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of this request to rezone from C-2 to P-D, planned development zone. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION

A. Project title:
Application of Kearney Ventures to Rezone From C-2 to P-D to Allow C-3, Highway Commercial Uses Including A Mini Storage Facility, Property Located on the East Side of McHenry Avenue South of East Orangeburg Avenue at 1234 McHenry Avenue

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

C. Contact person, address and phone number:
Dennis Wilson, Mid Valley Engineering, Inc.
900 H Street
Modesto, CA 95354
phone (209) 526-4214

D. Project Location:
East side of McHenry Avenue, south of East Orangeburg Avenue at 1234 McHenry Avenue

E. Project Sponsor:
Kearney Ventures

F. General Plan Designation:
Commercial (C)

G. Zoning:
C-2, General Commercial

H. Description of Proposed Project:
This is an application to rezone 4.60 acres from C-2 to P-D to allow C-3, Highway Commercial Uses including a mini storage facility, property located on the east side of McHenry Avenue south of East Orangeburg Avenue at 1234 McHenry Avenue. This site was previously occupied by the Cheverolet dealership. The Acapulco Mexican Restaurant and Day's Inn Motel are located to the north and the City Tire Sales Inc. store to the south. The applicant's plot plan indicates that the mini-storage buildings will be built on the rear of the site. A 29,621 square foot, one-story storage structure will extend along the east and portion of the south property lines. This structure will have a nine-foot wall height and an overall roof height of 13-feet. A two-foot setback of this structure from the rear alley line will allow an area to establish climbing vines that will cover the rear building elevation of this facility. A second storage building will be provided to the interior of this first described storage building. It will contain a total of 38,586 square feet and will be a 21-foot high, two-story building. The auto service building formerly used by the auto dealership will be remodeled for a 20,164 square foot gym facility. The auto show room building and car sale buildings will be removed to allow construction of two commercial pads. The applicant plot plan indicates that these will be a fast food restaurant and a video store. Uses proposed by the applicant will generate a minimum parking requirement of approximately 111 parking spaces. The applicant's plot plan shows 176 parking spaces proposed. Access to this commercial project will be from a central drop curb driveway on McHenry Avenue. This will allow closure of one driveway near the north property line on McHenry Avenue. The plot plan also indicates that In accordance with CalTrans, a seven foot right-of-way will be dedicated for future improvement along the frontage of the property.

I. Surrounding land uses:
See H. above

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. **Traffic and Circulation**

Development of the proposed planned development zone and resulting commercial uses will contribute to the traffic in the area. However, the proposal to redevelop this commercial property will allow an opportunity to acquire a seven foot dedication of property for future widening of McHenry Avenue. A site traffic mitigation study was not required for the proposed change in use of this property. Development of the proposed commercial pads and mini storage facility is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. **Degradation of Air Quality**

This proposed zone change and development is within the urban developed area of the City of Modesto. This use will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**

The proposed zone change and development is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this commercial use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**

The zone change and development is located on land noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. This property is currently zoned for C-2 uses. The requested rezoning will allow C-3 Zone uses including a mini storage facility, subject to conditions of approval. This property is also within a (C) Commercial area as designated by

the Modesto General Plan. Therefore, The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**
The proposed zone change and development will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

D. **Increased Demand for Sanitary Sewer Services**
The proposed zone change and development will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**
The proposed zone change and development is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**
This zone change and development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. **Drainage, Flooding and Water Quality**
The proposed zone change and development will not present any new impacts that have not already been addressed in the MEIR. The

mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

J. **Increased Demand for Storm Drainage**

The proposed zone change and development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

K. **Increased Demand for Parks and Open Space**

This proposed zone change and development will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. **Increased Demand for Schools**

The proposed zone change and development will not impact the Modesto School system, as these commercial facilites will not increase enrollment in the public schools. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are, therefore still valid.

M. **Increased Demand for Police Services**

This proposed zone change and development will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. **Increased Demand for Fire Services**

This proposed zone change and development will have a less than significant impact upon the need for additional fire services to this

area. Fire Station Number 5 is located approximately one-half mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.

O. **Generation of Solid Waste**

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

P. **Generation of Hazardous Materials**

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

Q. **Landslides and Seismic Activity**

The zone change and development will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. **Energy**

This zone change and development will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS / DETERMINATIONS OF FINDINGS

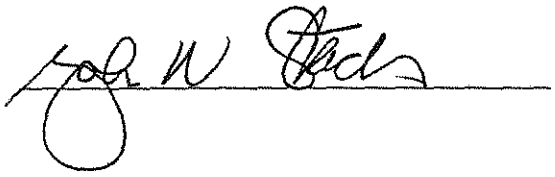
A. The proposed rezoning from C-2 to P-D for a commercial development is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH # 92052017).

B. The proposed rezoning and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

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

Signature: 

MODESTO CITY COUNCIL
RESOLUTION NO. 98-408

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "RELIEF LINE AND APPURTENANT STRUCTURES, CANNERY SEGREGATION SECTION III" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Relief Line and Appurtenant Structures, Cannery Segregation Section III, has been completed by Mountain Cascade Inc., in accordance with the contract agreement dated June 2, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Relief Line and appurtenant Structures, Cannery Segregation Section III be accepted from said contractor, Mountain Cascade Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,317,275.17 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-409

A RESOLUTION ACCEPTING THE PROJECT TITLED "PAVEMENT DELINEATION AT VARIOUS LOCATIONS - FEDERAL AID PROJECT STPLHG-5059(023)" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Pavement Delineation at Various Locations - Federal Air Project STPLHG-5059(023), has been completed by Safety Striping Services Inc., in accordance with the contract agreement dated June 17, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Pavement Delineation at Various Locations - Federal Air Project STPLHG-5059(023) be accepted from said contractor, Safety Striping Services Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $64,487.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-410

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE CAB AND CHASSIS WITH DUMP BODY FROM F.G. HART COMPANY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of One Cab and Chassis with Dump Body from F.G. Hart Company is hereby waived.

BE IT FURTHER RESOLVED that purchase of One Cab and Chassis with Dump body from F.G. Hart Company for a not to exceed price of $56,448.12.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-411

A RESOLUTION APPROVING A POLICY TO IMPLEMENT THE MODESTO CITIZENS' ADVISORY GROWTH MANAGEMENT ACT OF 1995 (MEASURE M) RELATING TO SEWER IMPROVEMENTS.

WHEREAS, on November 4, 1997, the voters enacted Measure M which provides that the City Council shall not approve, authorize, or appropriate funds for sewer improvements without first holding an advisory election, and

WHEREAS, the Community Development and Housing Committee recommended a proposed policy for the implementation of the Act to provide for the orderly implementation of Measure M, and

WHEREAS, on August 4, 1998, the Council considered said proposed policy, a copy of which is attached hereto,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto makes the determination that the proposed policy, a copy of which is attached hereto, is consistent with the goals, objectives and standards set forth in the General Plan, based on the following findings:

1. The Measure M policy establishes a direct relationship between Measure M votes and the 10-year Capital Improvement Program which prioritizes the expenditure of public money to fund basic infrastructure such as sewer and water. This furthers the General Plan goal of directing urban growth to areas currently served by City infrastructure where economically feasible.

2. Based on the current estimated "build out" rate of 1200 residential units per year, the City has an 8 to 9 year inventory of vacant sites for potential residential development if it only includes annexed land, or an

11 to 13 year inventory if it also includes land that has been subject to a Measure M vote but not yet annexed. This furthers the General Plan goal of maintaining at least a five year supply of vacant and agricultural land available for potential residential development.

3. The Measure M policy will not constrain the availability of land for potential residential development as identified in the five year housing element of the General Plan or the availability of land for potential residential development approved for extension of sewer service in 1997. This furthers the General Plan goal of ensuring the availability of housing for all economic segments of the community.

4. The Measure M policy requires all future decisions regarding Measure M votes to include an evaluation of land available for residential development, which furthers the General Plan goals of ensuring that the City maintains at least a five year supply of vacant and agricultural land and at least a five year inventory of land available for potential residential development.

5. The Measure M policy requires all future decisions regarding Measure M votes to include findings of General Plan consistency, which furthers the General Plan goals of encouraging periodic review of the City's Urban Area Growth Policy and the City's Housing Element.

BE IT FURTHER RESOLVED that the Council hereby approves a policy to implement the Modesto Citizens' Advisory Growth Management Act of 1995 (Measure M) relating to sewer improvements. A copy of said Policy is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Dobbs

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Policy to Implement the
Modesto Citizens' Advisory Growth
Management Act of 1995 (Measure M)

Before the City Council approves, authorizes, or appropriates funds for sewer improvements to any development project that has a residential component of five units or more which either exist at the time the election is held or are allowed by the City's General Plan and/or zoning, other than projects in those areas that have previously been subject to an advisory election, an advisory election shall be held at the City's sole discretion, as provided for in Measure M as follows:

1. Action
   a) Before a Specific Plan application is processed.
   b) In the case of a City–sponsored annexation, before the City submits an annexation application to LAFCO.
   c) In the case of annexations initiated by any party other than the City, advisory elections will be held before the City notifies LAFCO that sewer service is available to serve the territory proposed to be annexed.
   d) An advisory election pursuant to Measure M will be required before staff is authorized to process tentative subdivision maps for an area that is outside the City limits.

2. Responsibility For Payment of Election Costs and Timing of Elections
   After determining pursuant to Sections 5 and 6 of this policy that it is appropriate to have a Measure M advisory election, the Council shall schedule such an election to occur at the next regularly municipal election (the first Tuesday after the first Monday in November of each odd-numbered year). Such elections shall be held at City expense.

   Alternatively, after determining pursuant to Section 5 or 6 of this policy that it is appropriate to have a Measure M advisory election, the Council may schedule such an election at a date other than the next regular scheduled municipal election provided the project proponent agrees to pay the entire cost incurred by the City in holding such an election.

   Other than Measure M elections for Infill Areas, each proposed project shall be the subject of a separate ballot measure. The Council shall consider on a case-by-case basis whether or not Infill Areas are to be grouped together for ballot measure purposes.

3. Minimum Geographic Area to be Scheduled for a Measure "M" Vote
   In the "Planned Urbanizing Area" depicted on Figure II-1of the General Plan, the minimum area to be considered for a "Measure M" vote shall be a single "Comprehensive Planning District", as described on Exhibit III-1of the General Plan, and as defined in Section III-D of the General Plan text. There is no maximum geographic area to be considered for a Measure M vote, but the area

must include the entirety of the relevant Comprehensive Planning District boundaries.

In the "Baseline Developed Area" and the "Redevelopment Area" depicted on Figure III-1 of the General Plan, there is no minimum or maximum geographic area required to schedule a "Measure M" vote.

4. Definition of "Infill Areas"
"Infill Areas" are defined as those unincorporated parcels, as of January 1, 1998, which are located within the "Baseline Developed Area" and "Redevelopment Area", depicted on Figure II-1 in the Modesto Urban Area General Plan.

5. Sequencing of Measure M Votes For "Infill Areas"
   a) When: The most substantial Infill Areas will not be scheduled until negotiations with the County regarding fiscal issues are complete. There needs to be significant preparation in advance of scheduling Measure M votes for Infill Areas. A successful Measure M vote may lead to public expectations that annexation will immediately follow, with corresponding expectations that existing deficient infrastructure will be upgraded. Therefore, the fiscal impacts of serving unincorporated areas may vary from area to area, irrespective of whether the City/County property tax agreement is in effect for those areas. The impacts of tax increment financing through the Redevelopment Agency should also be examined.

   b) Which Areas: The City will schedule a Comprehensive Measure "M" vote for the most substantial Infill Areas or logical groupings of such Areas. Since urban services are generally available or nearby in the Baseline Developed Area, and the "urban pattern" is fundamentally established, this approach provides significant time savings toward the ultimate annexation of all Infill Areas.

   c. "Infill Areas" which are not "substantial": The City Council, at its sole discretion, may determine that certain Infill areas are not "substantial", and therefore, would not need to be dependent on negotiations with the County.

6. Sequencing of Measure M Votes For Areas Which are Not "Infill Areas"
   a) No further Comprehensive Planning Districts will be scheduled for a Measure M vote, until substantial progress is made on building out the Specific Plans approved prior to July 1, 1998.

      For the purpose of this Policy, "substantial progress" shall be measured by whether there is at least a five year supply of available vacant and agricultulral land served with or scheduled to be served with urban infrastructure provided by the City's CIP and whether there is at least a

five year inventory of available vacant sites for potential residential development using a "build out rate" based on recent building permit activity as well as other projected land use and housing trends. Notwithstanding this definition, whenever Council receives a request for a Measure M vote, Council shall evaluate the request in light of the policies, objectives and standards set forth in the General Plan and shall make appropriate General Plan consistency findings to support its decision.

Significant acreage has already been subject to a Measure M vote in November 1997. Measures P & Q covered over 2,000 acres and more than 8,100 potential dwelling units. When the 8,000 units of Village One (approved by a 1990 "Measure A vote") are added to this amount, a total of approximately 14,000-16,000 potential dwelling units represent the overall inventory of residential units.

At the current estimated "build out" rate of 1200 units per year, the City has an eight to nine year inventory of vacant sites for potential residential development if it only includes annexed land, or an eleven to thirteen year inventory if it also includes land that has been subject to a Measure M vote but not yet annexed.

b) Sequencing shall be guided by the new 10-year "Targeted" Capital Improvement Program. The Capital Improvement Program process is undergoing significant revisions. The time horizon is being extended from 5 years to 10 years, and the public facilities programmed within the CIP are being prioritized (i.e., "Targeted") to reflect recent Council decisions approving seven Specific Plans. At the same time, the Capital Facility Fee program is undergoing significant updating to reflect current costs, and the public facilities called for to support the new General Plan.

7/30/98
BRS/sfl

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-412

A RESOLUTION APPROVING THE AIRPORT BUSINESS PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Airport Business Plan, as attached, be, and is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Business Plan
Modesto City-County Airport

The Airport shall contribute to Modesto's economic well-being and quality of life with quality commercial air service to key business and vacation markets, through good facilities for corporate and general aviation, through provision of cargo and related business services, and through recruitment of aviation related businesses.

The Airport shall generate sufficient revenues to cover both normal operating costs as well as capital improvement costs.

Goals

1. Obtain commercial air service to Los Angeles, San Diego and Las Vegas by 1999.
2. Obtain small package air cargo service by 1999.
3. Plan and provide airport facilities sized for 100,000 to 150,000 annual enplaned passengers.
4. Obtain new retail services in the airport terminal.
5. Expand facilities for general and corporate aviation through the addition of T-hangars and the upgrading of existing T-hangars.
6. Recruit aviation and airline related businesses to the airport.

Adopted by the City Council on _____.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-413

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TRI-STAR MARKETING FOR MARKETING AND PROMOTION OF THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Tri-Star Marketing for marketing and promotion of the Modesto City/County Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Business Plan
Modesto City-County Airport

The Airport shall contribute to Modesto's economic well-being and quality of life with quality commercial air service to key business and vacation markets, through good facilities for corporate and general aviation, through provision of cargo and related business services, and through recruitment of aviation related businesses.

The Airport shall generate sufficient revenues to cover both normal operating costs as well as capital improvement costs.

Goals

1. Obtain commercial air service to Los Angeles, San Diego and Las Vegas by 1999.

2. Obtain small package air cargo service by 1999.

3. Plan and provide airport facilities sized for 100,000 to 150,000 annual enplaned passengers.

4. Obtain new retail services in the airport terminal.

5. Expand facilities for general and corporate aviation through the addition of T-hangars and the upgrading of existing T-hangars.

6. Recruit aviation and airline related businesses to the airport.

Adopted by the City Council on _____.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-414

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DOROTHY BOGGERI, TRUSTEE; DOROTHY BOGGERI; AND ROBERT BOGGERI FOR THE LEASE OF 940 11TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Dorothy Boggeri, Trustee; Dorothy Boggeri; and Robert Boggeri for the lease of 940 11th Street be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-415

A RESOLUTION RENAMING THAT PORTION OF PARKER ROAD LOCATED BETWEEN CLAUS ROAD AND THE BURLINGTON NORTHERN SANTA FE RAILROAD TRACKS TO EAST BRIGGSMORE AVENUE.

WHEREAS, it is proposed to rename that portion of Parker Road located between Claus Road and the Burlington Northern Santa Fe Railroad Tracks to East Briggsmore Avenue, to avoid confusion in finding the new Amtrak Station, and

WHEREAS, this proposed street name change has been referred to City departments, utility companies, county offices, school districts and property owners, and no opposition has been received to date as a result of this notification, and

WHEREAS, said matter was considered by the City Council at its meeting held on August 4, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, Section 34091.1 of the Government Code of the State of California provides that when the existing name of any city street should be changed, the legislative body is authorized to adopt a resolution to change the name of existing streets,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the proposal to rename that portion of Parker Road located between Claus Road and the Burlington Northern Santa Fe Railroad tracks to East Briggsmore Avenue.

BE IT FURTHER RESOLVED that in accordance with Government Code Section 34092 the City Clerk is directed to transmit a certified copy of this resolution to the Stanislaus County Board of Supervisors.

BE IT FURTHER RESOLVED that City staff shall immediately notify affected public agencies, utility companies, and city departments regarding the name change.

BE IT FURTHER RESOLVED that the City shall replace the street name sign.

BE IT FURTHER RESOLVED that the street name change shall become effective 30 days after its passage and introduction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-416

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE MANOR OAK PLACE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Noralco, Inc., a California corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 7.51 acres, known as Manor Oak Place Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 3rd day of October, 1994, and extended by resolution on the 1st day of June, 1998, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Manor Oak Place Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the landscaping improvements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer

have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-417

A RESOLUTION APPROVING THE REQUEST OF THE MUSICAL GROUP, HOMEGROWN, FOR DIRECT CITY ASSISTANCE FOR A BENEFIT CONCERT AT MANCINI BOWL IN GRACEADA PARK ON AUGUST 15, 1998.

WHEREAS, the musical group, Homegrown, has requested a reservation for the use of Mancini Bowl on August 15, 1998, for a concert to benefit the Citrus for Charity program, and

WHEREAS, the City Council, by Resolution No. 80-1066, as amended by Resolution No. 83-128, adopted a "Policy For Evaluating Requests For Direct City Assistance", and

WHEREAS, the Financial Policy Committee met on July 21, 1998, and recommended that City assistance be provided, and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to Homegrown, to hold a benefit concert on August 15, 1998, in the City of Modesto, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of Homegrown for direct City assistance to hold a benefit concert on August 15, 1998, in Mancini Bowl, located in Graceada Park, in the City of Modesto, subject to the following conditions:

1. The Community Services and Neighborhood Connections Department will waive park rental fees for Homegrown's use of Mancini Bowl in Graceada Park on

August 15, 1998, from 6:00 p.m. to 10:00 p.m.

2. The City of Modesto Police Department shall provide City police officers and vehicles as needed to provide security during the concert on August 15, 1998.

3. Private security shall also be provided by City as required by the Police Department.

4. The Operations and Maintenance Department of the City shall provide park preparation prior to the concert and cleanup of the park following the concert.

5. The City of Modesto shall provide liability insurance for the concert, and

6. The City of Modesto Community Services and Neighborhood Connections Department shall provide a technician for sound and light production during the concert.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of August, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

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

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-418

A RESOLUTION APPROVING THE USE OF AMPLIFIED INSTRUMENTS AND VOICE AND PORTABLE CHEMICAL TOILETS AT THE CITY-WIDE CHRISTIAN CONCERT AT MANCINI BOWL IN GRACEADA PARK.

WHEREAS, the Christian Challenge Ministries, in cooperation with other Modesto area churches, is sponsoring a Christian youth concert featuring a Seattle, Washington-based Christian musical group, and

WHEREAS, the event is expected to draw approximately 2,000 spectators, and

WHEREAS, the use of amplified live music has been restricted to those nonprofit organizations holding annual events prior to the passage of Ordinance 12-4.103, and

WHEREAS, based upon an agreement between the neighbors of Graceada Park and the City Council, live music amplification can only be approved by the City Council, and

WHEREAS, portable chemical toilets were delivered to Graceada Park prior to the beginning of the Concert in the Park series and have not been removed following the last concert held on July 23, 1998, and

WHEREAS, the chemical toilets are needed during the Christian Challenge Ministries concert,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the requests for use of amplified instruments and voice for the City-Wide Christian Concert at Graceada Park and for the use of the chemical toilets already in place at the park following the Concert in the Park series.

The foregoing resolution was introduced at a special meeting of the Council of the City o Modesto held on the 4th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-419

Print

A RESOLUTION TRANSMITTING A COPY OF ONE BALLOT MEASURE RELATING TO A PROPOSED CHARTER AMENDMENT FOR IMPARTIAL ARBITRATION FOR POLICE AND FIRE DEPARTMENT EMPLOYEE DISPUTES, ONE BALLOT MEASURE FOR A PROPOSED CHARTER AMENDMENT RELATING TO A COMPANION MEASURE FOR BINDING INTEREST ARBITRATION, AND ONE ADVISORY MEASURE RELATING TO SEWER SERVICE EXTENSION TO BENT CREEK ESTATES SUBDIVISION FOR THE SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 1998, TO THE CITY ATTORNEY FOR IMPARTIAL ANALYSIS

WHEREAS, Section 9280 of the state Elections Code provides that whenever any City measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the measure to the City Attorney for preparation of an impartial analysis, and

WHEREAS, a copy of the ballot measure relating to a proposed Charter amendment for impartial arbitration for Police and Fire Department employee disputes, the ballot measure for a proposed Charter amendment relating to a companion measure for binding interest arbitration, and the advisory measure for sewer service extension to Bent Creek Estates subdivision proposed for the special municipal election of November 3, 1998, are marked respectively as Exhibits "A", "B" and "C", and attached hereto and made a part hereof.

NOW, THEREFORE, BET IT RESOLVED, by the Council of the City of Modesto that the City Clerk is hereby directed to transmit a copy of both above-described measures to the City Attorney for preparation of an impartial analysis explaining the effect of the measures.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analysis.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to prepare the impartial analysis of each of the above-described measures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

ARTICLE XII, SECTION 1206
IMPARTIAL ARBITRATION FOR
POLICE AND FIRE DEPARTMENT EMPLOYEE DISPUTES

(a) **IMPARTIAL ARBITRATION - DECLARATION OF POLICY.** It is hereby declared to be the policy of the City of Modesto that strikes by police officers and firefighters are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

(b) **PROHIBITION AGAINST STRIKES.** No City of Modesto police officer or firefighter shall wilfully engage in a strike against the City. Any such employee against whom the City brings charges of failing to report for work as part of a strike shall be subject to dismissal from his or her employment in the event the charges are sustained upon conclusion of the proceedings that are required by law for the imposition of disciplinary action upon said employee.

(c) **OBLIGATION TO NEGOTIATE IN GOOD FAITH.** The City, through its duly authorized representatives, shall negotiate in good faith with recognized employee organizations which represent sworn members of the City of Modesto Police Department or the City of Modesto Fire Department on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances concerning the interpretation or application of any negotiated agreement. Unless and until agreement is reached through negotiations between the City and a recognized employee organization for the police department or fire department bargaining unit, or a determination is made through the arbitration procedure hereinafter provided, no existing benefits or conditions of employment for said police department or fire department employees shall be eliminated or changed.

(d) **IMPASSE RESOLUTION PROCEDURES.** All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations between the City and the recognized police department or fire department employee organization involved in the dispute shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the City or by the recognized employee organization.

Representatives designated by the City and representatives of the recognized employee organization involved in the dispute shall each appoint one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the two arbitrators selected by the City and the employee organization, and shall serve as the neutral arbitrator and Chairperson of the Board. In the event that the arbitrators selected by the City and the employee organization cannot agree upon the selection of the third arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, then either party may request the State of California Mediation and Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the arbitrators selected by the City and the

employee organization cannot agree within three (3) days after receipt of such list on one of the seven (7) to act as the third arbitrator, they shall alternately strike names from the list of nominees until one name remains and that person shall then become the third arbitrator and chairperson of the Arbitration Board.

Any arbitration proceeding convened pursuant to this Article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure. The Arbitration Board shall hold public hearings, receive evidence from the parties and cause a transcript of the proceedings to be prepared. The Arbitration Board, in the exercise of its discretion, may meet privately with the parties and mediate or mede-arb issues in dispute. The Arbitration Board may also adopt such other procedures that are designed to encourage an agreement between the parties, expedite the arbitration hearing process, or reduce the costs of the arbitration process.

At the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Arbitration Board may establish, a last offer of settlement on each of the issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms with those factors traditionally taken into consideration in the determination of wages, hours, and other terms and conditions of public and private employment, including, but not limited to, changes in the average consumer price index for goods and services, the wages, hours, and other terms and conditions of employment of other employees performing similar services, and the financial condition of the City and its ability to meet the cost of the award.

After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten day period the parties may meet privately, attempt to resolve their differences, and by mutual agreement amend or modify any of the decisions of the Arbitration Board. At the conclusion of the ten (10) day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board, incorporating any amendments or modifications agreed to by the parties, shall be publicly disclosed and shall be binding upon the parties. The City and the recognized employee organization shall take whatever action is necessary to carry out and effectuate the final Arbitration Board award (incorporating any amendments or modifications agreed to by the parties as provided above).

The expenses of any arbitration convened pursuant to this article, including the fee for the services of the Chairperson of the Arbitration Board, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses.

PROPOSED AMENDMENT

TO THE CHARTER OF THE CITY OF MODESTO

Special Municipal Election

November 3, 1998

PROPOSED COMPANION MEASURE TO MEASURE A
(BINDING INTEREST ARBITRATION)

Section 1. The Council of the City of Modesto hereby proposes, on its own motion to add Article XII, Section 1206(e) to the Charter of the City of Modesto to read as follows:

Section 1206(e). GENERAL ARBITRATION PROVISIONS

Notwithstanding anything in this Article or in this Charter to the contrary, arbitration shall be subject to the following provisions:

(I) Arbitration shall be limited to issues of wages and benefits only. As used in this Article, "Wages and benefits" shall only mean

(A) Wage rates, including percentage or across-the-board wage increases or specialty pay; holiday pay; overtime pay; court pay; callback or hire back pay; master police officer and master detective pay; acting pay; certification pay; and assignment pay, and

(B) Medical, dental, vision, life and disability insurances; cafeteria plans; retirement pickups, insurance contributions and pension benefits to the extent negotiable by law; educational benefits; uniform allowance; vacation, holiday and sick leave benefits; and compensatory time off.

(ii) Arbitration shall be limited to resolution of impasse arising out of negotiations for a new or renewed Memorandum of Understanding between the parties. Arbitration shall not be utilized to resolve disputes or grievances concerning the interpretation or application of any negotiated Memorandum of Understanding or other agreement, or for any dispute arising during the effective period of an existing Memorandum of Understanding or other agreement.

(iii) No arbitration decision may be enforced nor may any additional financial costs be imposed on the taxpayers of the City as a result of any such arbitration decision without approval of the voters in a Citywide election. Notwithstanding any other provision of this Article, no wages, benefits or expenses relating to terms and conditions of employment shall be paid by the City pursuant to any arbitration decision under this Article unless and until additional revenues therefore have been approved in a Citywide election by a majority vote or any such greater voting percentage as may be required by any applicable provision of the California Constitution and/or State statutes. The City Council shall not be required to call an election under this Section more than once in any calendar year and may consolidate any such election with elections held for other purposes. City will pay all costs of any such election held on a regular municipal election date as provided for in Section 300 of this Charter. The costs of elections held on any other legally permissible date shall be borne equally by the parties, unless otherwise agreed by City Council.

(iv) Arbitration awards shall be in effect for a one (1) year period from the date of the final arbitration award. No award shall be retroactive or provide interest.

(v) Strikes shall be prohibited. As used in this Article, "strike" shall be interpreted to include, but shall not be limited to the following actions, whether taken individually or in concert with others, when scheduled to be on duty: sick out, slow down, work stoppage, curtailment of production, blue flu, sympathy strike, strike, refusal to perform fire or police department duties, and refusal to cross picket lines.

(vi) As provided in this Article, no employee who violates the prohibition against strikes shall be rehired.

(vii) As used in this Article, "Impasse" shall mean the point in time during labor negotiations when both parties have filed with the City Clerk a notice from each party that it has filed its "last, best and final offers" on all issues being negotiated together with a copy of its last, best and final offers on all issues being negotiated.

Section 2. Severability. If any provision or portion of this measure or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other portions, provisions or applications of the measure.
Section 3. Section 1206(e) shall be effective only if Measure A entitled "Impartial Arbitration for Police and Fire Department Employee Disputes" is enacted by the voters.

Section 4. Section 1206(e)(I) is intended to be an alternative to certain provisions in Measure ___A___.

Section 5. Sections 1206(e)(ii), 1206(e)(iii), 1206(e)(iv), 1206(e)(v), 1206(e)(vi), and 1206(e)(vii) are intended to clarify, implement, and be compatible with provisions in Measure ___A___.

EXHIBIT "C"

Measure C - City of Modesto Sewer Service Extension Advisory Measure

Shall the City Council provide sewer service to the following described area of the Modesto Urban Area General Plan?

The proposed Bent Creek Estates Subdivision, consisting of 22.6 acres, provided the area is first annexed to the City. This area is a parcel east of the Santa Fe Railroad Tracks, south of Parker Road and north of Dry Creek.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-420

Print

A RESOLUTION AUTHORIZING THE MAYOR TO PREPARE BALLOT ARGUMENTS RELATING TO MEASURES A, B AND C TO BE PROPOSED TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 1998.

WHEREAS, Section 9282 of the state Elections Code provides that any authorized member of the legislative body of a city may file a written argument in favor of a proposed measure, and

WHEREAS, such argument shall not exceed 300 words in length and the city elections official shall cause such an argument to be printed with the following statement on the heading of the first page of the printed arguments:

"ARGUMENTS IN SUPPORT OR OPPOSITION OF THE PROPOSED LAWS ARE THE OPINIONS OF THE AUTHORS."

and

WHEREAS, the City Clerk shall enclose a printed copy of such arguments with each sample ballot and such a printed argument is "official matter" within the meaning of Government Code Section 13303, and

WHEREAS, Measure A relates to amending the Charter to transfer authority to resolve public safety union contract disputes from City Council to an outside arbitration panel, and

WHEREAS, Measure B, is a companion measure to Measure A which would require voter approval of any decisions made by such an outside arbitration panel, and

WHEREAS, Measure C relates to the provision of sewer service to the Bent Creek Estates Subdivision,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the Mayor of the City is hereby authorized to write arguments and rebuttal arguments in favor of Measure A, and Measure C, and an argument and rebuttal argument in opposition to Measure B, which are proposed for the November 3, 1998, Special Municipal Election.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the arguments relative to Measures A, B, and C.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-421

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MANUEL JUAREGUI FOR THE ACQUISITION OF THE PROPERTY LOCATED AT 1718 HILLSIDE DRIVE FOR THE FLOOD PROTECTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Manuel Juaregui for the acquisition of the property located at 1718 Hillside Drive for the Flood Protection Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-422

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BASIC RESOURCES INC. FOR THE LEASE OF OFFICE SPACE IN THE BEATY BUILDING LOCATED AT 1024 J STREET TO HOUSE THE NEIGHBORHOOD PRESERVATION UNIT OF THE HOUSING AND NEIGHBORHOODS DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Basic Resources Inc. for the lease of office space in the Beaty Building located at 1024 J Street to house the Neighborhood Preservation Unit be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-423

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND REDEV INC. FOR THE PURCHASE OF RIGHT OF WAY IN VILLAGE ONE FOR WILDFLOWER SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and REDEV Inc. for the purchase of right of way in Village One for Wildflower Subdivision be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-424

Print

A RESOLUTION APPROVING REALLOCATION OF HOME FUNDS FROM THE BRIGGS ROAD SUBDIVISION PROJECT TO THE PARADISE ROAD SUBDIVISION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the reallocation of HOME funds from the Briggs Road Subdivision project to the Paradise Road Subdivision project be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-425

A RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED PROPERTY LOCATED AT 1009 MARKLEE WAY AND AUTHORIZING THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS IN RELATION TO SAID SALE.

WHEREAS, the City of Modesto is the owner of certain property located at 1009 Marklee Way, which was acquired at a Trustee's sale in October, 1997, for the purpose of protecting the City's interest, which was an Emergency Home Repair Program loan in the amount of $7,690, and

WHEREAS, after various attempts to sell the property to recover costs, an offer has been received from Antonio and Valerice Ramirez for the listing price of $95,000, with the City paying a one (1%) percent loan fee and normal closing costs, and

WHEREAS, City staff, by a report from the Office of Housing and Neighborhoods, dated August 11, 1998, has recommended the sale of said property to Antonio and Valerice Ramirez, and

WHEREAS, on August 11, 1998, the Council considered the staff recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the sale of City-owned property located at 1009 Marklee Way to Antonio and Valerice Ramirez in the amount of $95,000, with the City paying a one (1%) percent loan fee and normal closing costs.

BE IT FURTHER RESOLVED that the Council authorizes the City Manager to execute certain documents that may be necessary to complete the sale of said property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-426

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1997-98 AND 1998-99 ANNUAL BUDGETS TO ALLOCATE DISASTER RELIEF FUNDS RECEIVED DURING FISCALYEAR 1997-98 TO FISCAL YEAR 1998-99 OPERATING BUDGET

WHEREAS, the City of Modesto was awarded $650,426 in CDBG Disaster Relief Funds in FY97-98; however, the revenue was not included as part of the FY98-99 operating budget; and

WHEREAS, due to some expenditures incurred during FY 1997-98 and funds had been reallocated for property acquisition, some minor adjustments need to be made to account for these changes; and

WHEREAS, CDBG funds were allocated for replacement for thirteen buildings at Prescott Estates; however, due to increase in costs, additional funds are needed to carry out this project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1997-98 and 1998-99 Annual Budgets are hereby amended as indicated below:

Revenue	
113-140-1455-3513	$637,287
Expenditures	
113-140-1455-5215	$501,236
113-140-1455-0491	97,450
113-140-1455-0235	27,500
113-140-1455-0255	11,101
113-140-1455-5207	136,904
113-140-1455-0260	(7,574)
113-140-1455-0491	(97,450)
113-140-J238-6040	(31,880)
113-140-1455-0497	50,000
115-140-1466-0497	(50,000)
113-140-1455-0497	(150,000)
113-140-1454-0497	150,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 11th day of August 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine B
STAN FEATHERS, Budget Officer

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO.98-427

A RESOLUTION APPROVING THE FINAL MAP OF THE ALMOND VALLEY SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman and Broad - Central Valley, Inc., a California corporation, is or will be possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 19.45 acres, known as Almond Valley Subdivision ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 3rd day of November, 1997, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Almond Valley 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, and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after subdividers acquire legal title to the Subdivision, after subdividers have taken all actions reasonably necessary to form or annex to a City of Modesto Mello-Roos Community Facilities District ("CFD") or have executed an irrevocable 18-month appointment of a representative to act for it in a CFD election, which is in a form

acceptable to the City Attorney; after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that neither this Resolution nor any agreement required by Section 4-4.604(c) of the Modesto Municipal Code shall be effective until subdividers acquire legal title to the Subdivision or until August 14, 1998, whichever is later.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-428

A RESOLUTION ADOPTING A USE AND FEE POLICY FOR CITY HALL AT THE MALL.

WHEREAS, the first phase of the City Hall at the Mall business plan is operational, and

WHEREAS, the Community Services and Neighborhood Connections Department has determined that additional services can be provided, such as receipt of certain utility payments, registration for recreation classes, reservations for facilities, and purchase of tickets for local events, and

WHEREAS, the Community Services and Neighborhood Connections Department has recommended that a use and fee policy be adopted for these services, and

WHEREAS, a copy of said use and fee policy is attached hereto as Exhibit "A" and incorporated herein by reference, and

WHEREAS, consideration of said use and fee policy was set for a public hearing of the City Council to be held on August 11, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, on said date and at said time said duly noticed public hearing of the City Council was held to consider said use and fee policy for City Hall at the Mall,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the use and fee policy for City Hall at the Mall as set forth 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 11th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto
Community Services and Neighborhood Connections Department

City Hall at the Mall - Use and Fee Policy

I. Authorities for CHATM Use and Fee Policy

A. The 1997 Citizens First City Hall at the Mall Project Team Business Proposal - Background
In February 1997, representatives from Macerich Corporation, owners of the Mall, met with City officials, and expressed "great interest and support, not only in keeping a police presence and the satellite office open on a permanent basis, but also expanding the office into a full-scale "City Hall at the Mall" and providing additional services."

B. The 1997 Citizens First City Hall at the Mall Project Team Business Proposal - Executive Summary
...."the objectives of the Modesto "City Hall at the Mall" may be met by focusing on four areas: 1) providing limited city services to citizens of our community, 2) providing a police presence in the mall; 3) providing an outlet to sell city surplus and souvenirs; and 4) providing a showcase to promote the City of Modesto."

C. The 1997 Citizens First City Hall at the Mall Project Team Business Proposal - Definition of the Business
"This project utilizes the "City Hall at the Mall" concept to provide additional customer services to the public in an innovative manner."

D. The 1997 Citizens First City Hall at the Mall Project Team Business Proposal - Definition of the Business
"Services provided at the satellite office will be implemented in phases."
Phase I, will function primarily as a police substation.
Phase II, will allow the City to provide informational resources to citizens.
Phase III, will provide additional equipment and staffing, opening the facility to 72 hours per week.
Future phases would be determined by the annual operating expenses budgeted for the overall operation of the office.

E. The 1997 Citizens First City Hall at the Mall Project Team Business Proposal - Definition of the Business
"The project is designed to provide additional customer services to the public with minimal long-term expense to the city and to demonstrate that local government can be progressive and innovative in how services are delivered while remaining fiscally astute.

F. Agreement between Citizens First City Hall at the Mall Project Team and the Parks and Recreation Department
In October 1997, the Park and Recreation Department, now known as the Community Services and Neighborhood Connections Department, agreed to become the lead agency and manage the operation of the City Hall at the Mall.

G. Requests from city departments, community non-profit organizations, and other governmental agencies for a variety of services and functions.

II. Use Policy Actions

A. Mission Statement

The mission of the City Hall at the Mall is to make local government more accessible to community residents by providing information and a variety of services during non-traditional hours at a convenient location and to provide police presence at the Mall.

B. Objectives for Use Policy

1. To develop CHATM policies and procedures.
2. To establish priority uses and services for CHATM.
3. To create a positive image of CHATM by establishing processes directly related to the overall operation.
4. To form collaborative relationships with city departments for the provision of city services.
5. To facilitate community utilization of CHATM.
6. To provide accurate, friendly and professional services and responses to citizen requests.
7. To enable appropriate staff to make informed decisions on CHATM operations.
8. To generate revenue to offset partial cost of operation.

C. Service Categories

1. Policy identifies various service categories for the purpose of creating greater customer and staff convenience. Service categories are as follows:
   a. CHATM Conference Area Reservation Services
   b. Community Box Office Services
   c. CS&NC Department Class Registration Services
   d. CS&NC Rental Facility Reservation Services
   e. Display Area Services - Window Area
   f. Fax Services
   g. Information Binder Posting (Brochure/Flyers)
   h. Pay Station Services - Local Utilities

i. Pay Station Services - Regional Utilities
j. Pay Station Services - City Enterprise Services (bus passes, commuter bus passes)
k. Photocopy Services
l. Retail Services - Merchandising/Consignment Services
m. Request for City Services by Citizens (Fax the Council, tree requests, personnel applications, street repair, retirement medical, dog & business licenses, parking fines)

D. Geographical Service Area for CHATM

1. Policy supports a geographical service area for the City of Modesto - Modesto Mailing Address Only. Exception: Pay Stations - Regional Utilities

III. Priority of Use

A. Priority I - Vintage Faire Mall Administration, City of Modesto, and City of Modesto Co-sponsored Organizations

B. Priority II - Local Non-Profits (must have a Modesto mailing address) and Government Agencies that support and enhance the CHATM Mission

C. Priority III - Local Businesses and Corporations that support and enhance the CHATM Mission

IV. Fee Establishment Policy

Fees for services provided at the CHATM are determined in one of three methods: 1) cost of service, 2) flat fee, and/or 3) comparison benchmarking.

A. Cost of Service Fee
A fee that is determined by the total direct cost per transaction, plus the indirect cost of department administration per transaction.

B. Flat Fee
A fee that does not cover the entire cost of service per transaction, but is considered reasonable and what the market will bear in the recovery of cost.[1]

[1] City of Modesto Recreation Division Activity Fee Structure and Revenue Generation Policy Resolution 96-166

C. Comparison Benchmarking Fee
A fee that is derived through the comparison of similar fees for similar services in one or more organizations/businesses and then averaging those fees.

V. CHATM Uses Not Granted

A. Any use by an Organization for the commission of any acts intended to further any program or movement dedicated to overthrowing the United States or State of California governments by force, violence, or other unlawful means.

B. Any use by an Organization for the commission of any act which is prohibited by law or for the commission of any crime.

C. Any use which is inconsistent with the designed use of the facility.

D. Any use which is discriminatory in the legal sense.

E. Any use which involves the possession, consumption, or sale of any restricted substance.

F. Any use for casino or Las Vegas gambling type events.

G. Any organization, whose bylaws do not meet Affirmative Action and American with Disabilities guidelines.

H. Any previous violation by an Organization of City policies, procedures or regulations governing the use of the CHATM facility.

The CS&NC Director and/or designee reserves the right to cancel and terminate a permit and/or agreement immediately and without notice upon its discovery of a violation of any term condition, or provision of the permit and/or agreement.

Should any violation occur, the CS&NC Director and/or designee, at its discretion, shall have the right to deny any future requests for the use of the CHATM facility.

VI. CHATM Policies and Procedures - General

A. The CS&NC Department, as the primary administrator of the CHATM facility, will have the full responsibility for the management of all non-police services.

B. The CS&NC Department, as the primary administrator of the CHATM facility, will make every effort to accommodate City and other public services. Should any conflict occur in a requested accommodation, the CS&NC Director shall resolve the conflict, and the Director's decision shall be final.

C. At the discretion of the CS&NC Department Director, lower fees can be negotiated by the Director for one of more of the following reasons: 1) use that will render appropriate revenue levels to the CHATM facility through other means than user fees, 2) use that will foster the addition of desirable events to the calendar that were unattainable in the past, and 3) use where it is deemed that services rendered are sufficient to cover user fees.

D. The CHATM Project Team will act as a liaison between the City Citizens First Committee and CHATM management. The primary function of the CHATM Project Team will be to keep the Citizens First Committee informed of the overall management strategies of CHATM.

VII. CHATM Facility Policies and Procedures - Services

A. CHATM Conference Area Reservation Services

1. Reservations will be accessed by City staff through the City E-mail system conference room booking calendar. All rules and regulations governing such use will be followed.

B. Community Box Office Services

1. City departments, non-profit and/or public organizations, and businesses and/or corporations that utilize the CHATM Box Office service will enter into an agreement with the CHATM Manager, and will be known as a Licensee.
2. The Licensee will be required to provide a notarized ticket manifest from a bonded ticket printer stating the number of tickets printed. All tickets must be audited by CHATM staff before they go on sale.
3. "Complimentary" tickets will not be issued at the CHATM facility.

4. If the event is cancelled, Licensee will be totally responsible for refunds on returned tickets.
5. The City and/or CHATM will not be liable to Licensee or to any other persons for any loss, theft, or defalcation of funds or tickets, of the Licensee whether such loss, theft, or defalcation was caused or done by employees of the City and/or CHATM or otherwise.
6. The CHATM box office can be set up to handle in-person; and phone, fax or mail-in orders. Ticket sales maybe conducted more than two weeks in advance of show day(s) only when such sales are actively promoted to the public by the Licensee. Effective date to terminate ticket sales will be negotiated by CHATM Manager.
7. At the Licensee's request, Visa and MasterCard orders will be accepted for ticket sales. The additional cost of this service will be 5% of the gross dollar amount of the charge orders processed.
8. Refunds will be issued only in the case of cancellation of the event.
9. No ticket exchanges will be processed.
10. A complete audit of all sales conducted at the CHATM facility will be provided as soon after sales are ended as possible. All box office fees incurred at the CHATM box office will be deducted from box office receipts before settlement.
11. The CHATM facility may arrange for their own computerized tickets to be printed for any Licensee and the costs of said tickets will be charged to the Licensee.

C. CS&NC Department Class Registration Services

1. Class registration services will be done in compliance with the policies and procedures as set forth by the CS&NC Department.

D. CS&NC Rental Facility Reservation Services

1. Rental facility reservation services will be done in compliance with the policies and procedures as set forth by the CS&NC Department.

E. Window Display Area Services

1. Window displays are to be designed, assembled and removed by the producing City Department.
2. Window displays must be approved in advance by the CHATM manager.

3. Window displays are to be changed monthly.
4. The CHATM manager will be responsible for scheduling all window displays with City Departments.
5. All window displays must comply with all public safety and fire prevention policies as adopted by the City of Modesto Fire Department and the Risk Manager's Division.
6. All decorative materials, such as , but not limited to, drapes, signs, banners, acoustical materials, hay and straw, moss, canvas, table centerpieces, and any other similar combustible materials shall be fireproofed. Tape and all other adhesive for decorating purposes are allowed only if approved by the CHATM Manager. Materials, such as nails, tacks, pins, etc., are not allowed for attaching decorations to the building.

F. Fax Services

1. All fax shall be approved by the CHATM Manager and/or designee.
2. Fax must serve business purposes **only for designated priority users.**
3. Payment for fax services shall be paid prior to fax being sent.

G. Information Binder Posting (Brochure/Flyers - 81/2" x11")

1. All information must be approved by the CHATM Manager and/or designee prior to binder posting.
2. Information binder posting will be available **only for designated priority users.**
3. Payment for binder posting shall be paid prior to information posting.

H. Pay Station Services - Local Utilities

1. All utility services that utilize the CHATM facility for pay station activity shall be approved by the CHATM Manager.
2. All pay station services will be done in compliance with the policies and procedures as set forth by the Finance Department and/or negotiated with the CHATM Manager.

I. Pay Station Services - Regional Utilities

1. All utility services that utilize the CHATM facility for pay station activity shall be approved by the CHATM Manager.
2. All pay station services will be done in compliance with the policies and procedures as set forth by the CHATM Use and Fee Policy.

J. Pay Station Services - City Services (City bus passes, commuter bus passes)

1. All City services that utilize the CHATM facility for pay station activity shall be approved by the CHATM Manager.
2. All pay station services will be done in compliance with the policies and procedures as set forth by the Finance Department and/or negotiated with the CHATM Manager.

K. Photocopy Services

1. All photocopy services shall be approved by the CHATM Manager and/or designee.
2. Photocopy services must serve business purposes **only for designated priority users.**
3. Payment for photocopy services shall be paid prior to copies being made.

L. Retail Services - Merchandising and/or Consignment

1. City departments, non-profit and/or public organizations, and businesses and/or corporations that utilize the CHATM facility for merchandising and/or Consignment service will enter into an agreement with the CHATM Manager, and will be known as a Licensee. All agreements will be reviewed monthly to determine the need for continued service.
2. The Licensee will be required to provide a letter on organization's letterhead stating merchandising and/or consignment item type and the number of items provided to the CHATM Manager. Licensee should be prepared to inventory in all merchandise available for sale before sales are begun.
3. Refunds for items will be granted within 10 days of purchase, if accompanied by sales receipt. The Licensee will be totally responsible for refunds.

4. Merchandising items exchange will be permitted within 10 days of purchase, if accompanied by sales receipt and approved by the CHATM Manager.
5. The City and/or CHATM will not be liable to Licensee or to any other persons for any loss, theft, or defalcation of merchandising items of the Licensee whether such loss, theft, or defalcation was caused or done by employees of the City and/or CHATM or otherwise.
6. At the Licensee's request, Visa and MasterCard orders will be accepted for merchandising item sales. The additional cost of this service will be 5% of the gross dollar amount of the charge orders processed.
7. A complete audit of all sales conducted at the CHATM facility will be completed monthly to determine gross sales. All merchandising item fees incurred at the CHATM facility will be charged on a monthly basis.

M. Request for City Services by Citizens

1. All City services offered shall be approved by the CHATM Manager. (Fax the Council, tree requests, personnel applications, street repair, retirement medical, business and dog licenses, parking fines)

Appendix I. CHATM Use Priority and Fee Policy

Service Category	Method Utilized in Determining Fee (Cost of Service, Flat Fee, or Comparison Benchmarking)	# I Use Priority & Fee Policy (Vintage Faire Mall, City of Modesto[1] & Co-Sponsored Organizations[2])	# II Use Priority & Fee Policy (Local Non-Profits[3] & Government[4] Must support and enhance CHATM Mission)	# III Use Priority & Fee Policy (Local Businesses & Corporations Must support and enhance CHATM Mission)
CHATM Conference Area Reservation		No Fee	N/A	N/A
Community Box Office (Ticketed Event where Admission is Charged)	Comparison Benchmarking	Flat Fee w/o ticket printing $.50 per ticket sold Ticket Printing - $.10 per ticket sold	Flat Fee w/o ticket printing $1.00 per ticket sold[5] Ticket Printing - $.15 per ticket sold	Fee w/o ticket printing $1.00 and/or 10% of the gross per ticket sold, whichever is greater[6] Ticket Printing - $.20 per ticket sold

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1 City of Modesto official function approved by City Manager, Department Head and/or designee.

2 Co-sponsored Program: Program that is initiated by the CS&NC Department; that is in collaboration and/or partnership with the CS&NC Department; or has met specific criteria as set forth by the CS&NC Department and a written agreement an/or contract has been negotiated and approved.

3 Proof of tax-exempt status required. Non-Profit organizations must be tax-exempt in accordance with the Internal Revenue Service, Section 501(c)(3) and with the California Franchise Tax Board Section 23701(d).

4 Must be approved by School District Superintendent and/or Public Agency Administrator as an official school and/or public agency function and/or event.

5 Visa and MasterCard orders and sales will be accepted at the CHATM facility. The additional cost for this service will be 5% of the gross dollar amount of charge orders processed.

6 Visa and MasterCard orders and sales will be accepted at the CHATM facility. The additional cost for this service will be 5% of the gross dollar amount of charge orders processed.

CS&NC Department Class Registration	Cost of Service	$1.00 per class transaction	N/A	N/A
CS&NC Department Rental Facility Reservation	Cost of Service	$9.00 per reservation transaction	N/A	N/A
Display/Exhibit Area (4'x7' in window area)		No Fee	N/A	N/A
Fax Services	Flat Fee	No Fee	Within the (209) Area Code: $1.00 per page. Outside the (209) Area Code: $1.50 first page and $2.00 successive pages	Within the (209) Area Code: $1.00 per page. Outside the (209) Area Code: $1.50 first page and $2.00 successive pages
Information Binder Posting (Flyer, Brochures - 81/2" x 11")	Flat Fee	No Fee	$1.00 per information page, weekly	$2.00 per information page, weekly
Pay Station - Local Utilities (All Public Utilities - Currently services provided for City Utility, MID, Cable One)	Flat Fee	City Service Credits	.23 MID - per transaction .25 Cable One - per transaction	N/A
Pay Station -Regional Utilities (Stanislaus County and Manteca Public Utilities)	Cost of Service	N/A	$1.00 per transaction, plus cost to transfer funds to utility organization	N/A
Pay Station - City Services a. City Bus b. Commuter Bus Pass	 a. Flat Fee City Bus Pass b. Cost of Service Commuter Bus Pass	 a. Bus Pass $.25 per transaction b. Commuter Bus Pass $1.00 per transaction	N/A	N/A
Photocopy Services	Flat Fee	No Fee	$.35 per sheet	$.35 sheet

Retail Services - Merchandising and/or Consignment	Comparison Benchmarking	City Surplus Items 87% commission per item Other City Items $1.00 per item sold	Per Item Sold: $1.00 and/or 10% of the gross, whichever is greater[7]	Per Item Sold: $2.00 and/or 20% of the gross, whichever is greater[8]
Request for City Services by Citizens (Examples: Fax the Council, Tree Requests, Personnel Applications, Street Repair, Retirement Medical, Dog and Business Licenses, Parking Fines, General Inquiries)		No Fee	N/A	N/A

[7] Visa and MasterCard orders and sales will be accepted at the CHATM facility. The additional cost for this service will be 5% of the gross dollar amount of charge orders processed.

[8] Visa and MasterCard orders and sales will be accepted at the CHATM facility. The additional cost for this service will be 5% of the gross dollar amount of charge orders processed.

Appendix II. Cost of Service and Comparison Benchmarking Information for CHATM Fee Policy

Service Category	**Method Utilized in Determining Fee** (Cost of Service, Flat Fee, or Comparison Benchmarking)
CHATM Conference Area Reservation	**NO FEE**
Community Box Office	**Recommended CHATM Fee** #1 Flat Fee w/o ticket printing $.50 per ticket sold Ticket printing - $.10 per ticket sold #2 Flat Fee w/o ticket printing $1.00 per ticket sold (Visa and MasterCharge sales and orders will be charged an additional 5% of the gross dollar amount of charge orders processed) Ticket printing - $.15 per ticket sold #3 Fee w/o ticket printing $1.00 and/or 10% of the gross per ticket sold, whichever is greater (Visa and MasterCharge sales and orders will be charged an additional 5% of the gross dollar amount of charge orders processed) Ticket printing - $.20 per ticket sold **Comparison Benchmarking** City of Fresno - Convention Center Box Office Private promoter is charged a percentage and/or a flat fee of $1.00 per ticket, plus a Convention Center restoration fee of $.20 per ticket. City of Sacramento - Convention Center Box Office Private promoter is charged 5% of gross ticket sales and a per ticket handling fee of $1.00 or $1.50 per ticket. If tickets are printed by the Box Office, a fee is charged for ticket set-up fee and ticket paper stock. City of Fairfield - City Hall at the Mall City sponsored events are charged $1.00 per ticket handling fee. Private promoter is charged a negotiated % of the ticket price.

CS&NC Department Class Registration	**Recommended CHATM Fee** $1.00 per class transaction **Cost of Service - Current Fee Standard Approved By City Council** City of Modesto Community Services and Neighborhood Connections Department - Recreation Admin Clerk II Cost of Service per hour is $22.60 (including benefits and indirect costs) Anticipated time to complete a transaction is three minutes. Each three minute cost unit is $1.13
CS&NC Department Rental Facility Reservation	**Recommended CHATM Fee** $9.00 per reservation transaction **Cost of Service - Current Fee Standard Approved by City Council** City of Modesto Community Services and Neighborhood Connections Department - Recreation Admin Clerk II Cost of Service per hour is $22.60 (including benefits and indirect costs) Anticipated time to complete a transaction is twenty-four minutes. Eight, three minute cost units, at $1.13, for a total of $9.04
Display/Exhibit	**NO FEE**
Fax Services	**Recommended CHATM Fee** #1 No Fee #2 $1.00 within 209 area code; $1.50 first page and $2.00 successive pages outside 209 area code #3 $1.00 within 209 area code; $1.50 first page and $2.00 successive pages outside 209 area code **Flat Fee - Current Fee Standard Approved by City Council** City of Modesto Community Services and Neighborhood Connections Department - Centre Plaza

Information Binder Posting	**Recommended CHATM Fee** #1 No Fee #2 $1.00 per information page, weekly #3 $2.00 per information page, weekly **Flat Fee**
Pay Station - Local Utilities	**Recommended CHATM Fee** #1 City Service Credits #2 $.23 MID - per transaction $.25 Cable One - per transaction **Flat Fee** Service Credits for City utilities Standard Fees paid by each Utility for collection services
Pay Station - Regional Utilities (Stanislaus County and Manteca Area Public Utilities)	**Recommended CHATM Fee** #2 $1.00 per transaction **Cost of Service - Current Fee Standard Approved By City Council** City of Modesto Community Services and Neighborhood Connections Department - Recreation Admin Clerk II Cost of Service per hour is $22.60 (including benefits and indirect costs) Anticipated time to complete a transaction is three minutes. Each three minute cost unit is $1.13

Pay Station - City Services a. City Bus Pass b. Commuter Bus Pass	**Recommended CHATM Fee** #1 a. City Buss Pass $.25 per transaction b. Commuter Bus Pass $1.00 per transaction **Flat Fee and** **Cost of Service - Current Fee Standard Approved by City Council** a. Flat Fee: City Buss Pass - Standard Fee paid by City Transportation Division for this service at other locations b. Cost of Service: Commuter Buss Pass - City of Modesto Community Services and Neighborhood Connections Department - Recreation Admin Clerk II Cost of Service per hour is $22.60 (including benefits and indirect costs) Anticipated time to complete a transaction is three minutes. Each three minute cost unit is $1.13
Photocopy Services	**Recommended CHATM Fee** #1 No Fee #2 $.35 per sheet #3 $.35 per sheet **Flat Fee - Current Fee Standard Approved by City Council** City of Modesto Master Fee Guide - Resolution 93-352

Retail Services Merchandising and/or Consignment	**Recommended CHATM Fee** #1 City Surplus - 87% commission per item; and $1.00 per item sold on all other City Items #2 $1.00 and/or 10% of the gross, whichever is greater, per item sold (Visa and MasterCharge sales and orders will be charged an additional 5% of the gross dollar amount of charge orders processed) #3 $2.00 and/or 20% of the gross, whichever is greater, per item sold (Visa and MasterCharge sales and orders will be charged an additional 5% of the gross dollar amount of charge orders processed) **Comparison Benchmarking** City of Long Beach - City Store Negotiated percentage. Percentage varies according to item. City of Modesto - CS&NC Centre Plaza John Thurman Stadium Licensee pays 25% of the gross receipts.
Request for City Services by Citizens (Examples: Fax the Council, Tree Requests, Personnel Applications, Street Repair, Retirement Medical, Dog and Business Licenses, Parking Fines, General Inquiries)	**NO FEE**

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-429

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS AND REQUESTING THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE KIERNAN AVENUE REORGANIZATION, LOCATED IN THE EASTERN PORTION OF THE KIERNAN BUSINESS PARK SPECIFIC PLAN AREA, TO THE CITY OF MODESTO. (COUNCIL INITIATED - UNINHABITED).

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the Kiernan Avenue Reorganization to the City of Modesto, which is contiguous to the Modesto City limits, and

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and each subject agency, and

WHEREAS, on February 3, 1975, the Council adopted Resolution No. 75-246 which protested the execution of the Hans and Donald Wagner Open Space Contract Application No. 75-2008 to the Stanislaus County Local Agency Formation Commission, hereinafter referred to as "LAFCO", pertaining to Assessor's Parcel No. 078-18-021; and, on December 28, 1982, the Council adopted Resolution No. 82-930 which protested the execution of the Reza Vossoughi, et al., Open Space Contract Application No. 83-3846 to LAFCO, pertaining to Assessor's Parcel No. 078-18-027, and

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

by this reference incorporated herein, and

WHEREAS, said territory consists of 173.45 acres and contains 16 properties, as set forth on Exhibit "B", attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the proposed annexation area is covered by the Master Property Tax Sharing Agreement entered into between the City and the County, which was approved by Council Resolution No. 97-185, on April 8, 1997, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit "A" attached hereto, to the City of Modesto.

(b) The detachment of said territory from the Salida Fire Protection District.

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

WHEREAS, the reasons for this proposed Kiernan Avenue Reorganization to the City of Modesto are as follows:

1. The proposed Kiernan Avenue Reorganization is required by public convenience or necessity because the Kiernan-Carver Comprehensive Planning District and the Kiernan Business Park Specific Plan are consistent with the City of Modesto Urban Area General Plan.

2. The proposed Kiernan Avenue Reorganization will result in an orderly planned use of land resources because the Kiernan Business Park Specific Plan will implement a Community Growth Policy of the General Plan to provide sufficient land supply; namely, it promotes the expansion of the Modesto Urban Area toward the north to ensure that the downtown redevelopment area remains the "central core" of Modesto, and provides social and economic development for the north side of Modesto, and

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

WHEREAS, the Community Development Department Director shall be the chief petitioner,

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

1. That future development of this site shall be consistent with the Kiernan Business Park Specific Plan, adopted by the Council of the City of Modesto on April 1, 1997.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit "A", attached hereto, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

3. That pursuant to the provisions of Government Code Section 51243, the Council hereby states its intention not to succeed and does not succeed to the above described

Open Space Contracts, and, therefore, the Open Space Contracts mentioned above shall be null and void upon the effective date of this annexation.

4. That the proposed Reorganization is part of the Kiernan Avenue Business Park Specific Plan area, and has received CEQA environmental review through a Focused Environmental Impact Report ("EIR"), which EIR was certified on April 1, 1997, by the adoption of Council Resolution No. 97-160: the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR (SCH#94082005); and, therefore, the City suggests that LAFCO, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the certified Final Focused EIR in LAFCO's deliberations on this reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the Kiernan Avenue Reorganization 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 11th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: _____
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

WRITTEN DESCRIPTION
KIERNAN AVENUE REORGANIZATION

August 4, 1998

KIERNAN AVENUE
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property in portions of Sections 35 and 36, Township 2 South, Range 8 East and Sections 1 and 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwest corner of the North half of the South half of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, as shown on the map filed in Volume 16 of Surveys, at Page 16, Stanislaus County Records, said point being the Northwest corner of the PELANDALE-SNYDER REORGANIZATION to the City of Modesto; thence North 89° 17′ 50" East on the North line of said Pelandale-Snyder Reorganization and the South line of the North half of the South half of said Section 1 a distance of 50.00 feet to the POINT OF BEGINNING of this description; thence continuing on last said line North 89° 17′ 50" East 2598.09 feet to the east line of the West half of said Section 1; thence on said East line North 0° 23′ 41" West 1360.27 feet to the North line of Bangs Avenue (20.00 feet half-width); thence on said North line of Bangs Avenue South 89° 20′ 49" West 662.15 feet to the Southerly extension of the East line of Parcel B as shown on the map recorded in Volume 37 of Parcel Maps, Page 61, Stanislaus County Records; thence on said Southerly extension and the East line of said Parcel B North 0° 15′ 40" West 1295.81 feet to the Northeast corner of said Parcel B; thence on the North line of said Parcel B South 89° 26′ 32" West 659.32 feet to the Southeast corner of Lot 38 of the Albemerl Tract, filed in Volume 4 of Maps, Page 19, Stanislaus County Records; thence on the East line of said Lot 38 North 0° 15′ 48" West 666.18 feet to the Southeast corner of Lot 37 of said Albemerl Tract; thence on the South line of said Lot 37 South 89° 35′ 04" West 613.40 feet to the East line of the West 678 feet of said Lot 37; thence on said East line North 0° 08′ 25" West 692.71 feet to the North line of Kiernan Avenue (State Highway 219) (50.00 feet half-width); thence on the North line of said Kiernan Avenue the following five (5) courses: (1) South 89° 43′ 37" West 223.33 feet; (2) North 86° 51′ 46" West 251.06 feet; (3) North 0° 16′ 23" West 15.07 feet; (4) South 89° 43′ 37" West 173.34 feet; (5) North 38° 06′ 17" West 42.45 feet to the East line of Dale Road (30.00 feet half-width); thence leaving said east line North 89° 41′ 06" West 55.38 feet to an angle point in the West line of Dale Road (25.00 feet half-width); thence South 0° 17′ 31" East 190.00 feet to an angle point in the West line of Dale Road (25.00 feet half-width); thence on the West line of said Dale Road (25.00 feet half-width) South 0° 08′ 25" East 2581.23 feet to the South line of the North half of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian; thence continue on the West line of said Dale Road South 0° 08′ 32" East 90.40 feet to the North line of the FLEUR DE VILLE reorganization to the City of Modesto; thence on said North line North 89° 38′ 17" East 25.00 feet; thence continue on said North line North 89° 17′ 59" East 50.00 feet to the East line of Dale Road (50.00 feet half-width); thence on the East line of said Dale Road South 0° 08′ 32" East 1233.92 feet to the point of beginning.

Containing 173.45 Acres.

EXHIBIT "B"

KIERNAN AVENUE REORGANIZATION
ANNEXATION PROPOSAL MAP

KIERNAN AVENUE
REORGANIZATION TO THE CITY OF MODESTO

BASIS OF BEARINGS:

ALL BEARINGS SHOWN ARE BASED ON THE 1992 ADJUSTMENT OF THE CALIFORNIA HIGH PRECISION GEODETIC NETWORK, CALIFORNIA COORDINATE SYSTEM ZONE 3, NORTH AMERICAN DATUM OF 1983.

1 Course:	N 89-17-50 E	Distance: 2598.09
2 Course:	N 00-23-41 W	Distance: 1360.27
3 Course:	S 89-20-49 W	Distance: 662.15
4 Course:	N 00-15-40 W	Distance: 1295.81
5 Course:	S 89-26-32 W	Distance: 659.32
6 Course:	N 00-15-48 W	Distance: 666.18
7 Course:	S 89-35-04 W	Distance: 613.40
8 Course:	N 00-08-25 W	Distance: 692.71
9 Course:	S 89-43-37 W	Distance: 223.33
10 Course:	N 86-51-46 W	Distance: 251.06
11 Course:	N 00-16-23 W	Distance: 15.07
12 Course:	S 89-43-37 W	Distance: 173.34
13 Course:	N 38-06-17 W	Distance: 42.45
14 Course:	N 83-41-06 W	Distance: 55.38
15 Course:	S 00-17-31 E	Distance: 190.00
16 Course:	S 00-08-25 E	Distance: 2581.23
17 Course:	S 00-08-32 E	Distance: 90.40
18 Course:	N 89-38-17 E	Distance: 25.00
19 Course:	N 89-17-59 E	Distance: 50.00
20 Course:	S 00-08-32 E	Distance: 1233.92

Area = 173.45 acres

NO SCALE

KIERNAN AVE

AMERICAN

ROAD

M.I.D. Lateral No. 6

FLEUR DE VILLE REORGANIZATION TO THE CITY OF MODESTO

PELANDALE AVE

PELANDALE NO.1 ADDITION

PELANDALE-SNYDER REORGANIZATION TO THE CITY OF MODESTO

SNYDER AVENUE

EXHIBIT "C"

KIERNAN AVENUE REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Kiernan Avenue Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Salida Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 6.

2. **Police Protection** - Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** - Service would be extended upon development of the area, at no cost to the City as existing City fees and developer financing will be sufficient to cover the cost.

5. **Water Service** - Service would be provided by the City of Modesto upon annexation.

6. **Streets** - Streets will be the responsibility of the developer and be integrated into the development of the project.

B. The Level and range of services:

The City of Modesto is a full-service provider of municipal services and would provide the full range of services for those areas listed above.

C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.

D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.

E. How will services be financed?

Services will be financed through a combination of developer fees, Mello Roos Community Facilities District and Enterprise Fund.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-430

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF GREG CLARK FROM THE GOLF COURSE COMMITTEE, EFFECTIVE AUGUST 11, 1998

WHEREAS, Greg Clark was appointed a member of the Golf Course Committee on January 2, 1996; and

WHEREAS, Greg Clark has tendered his resignation from the Golf Course Committee, effective August 11, 1998; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Greg Clark from the Golf Course Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-431

A RESOLUTION APPOINTING JULIAN LEMASTER TO THE ECONOMIC DEVELOPMENT LOAN COMMITTEE AND RESCINDING RES. 98-405

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

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

SECTION 1. Julian Lemaster is hereby appointed to the Economic Development Loan Committee, with a term expiration of January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Economic Development Loan Committee, and the Secretary thereof.

BE IT FURTHER RESOLVED, that Res. 98-405 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Judy C. Hall
JUDY C. HALL, Acting City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-432

A RESOLUTION ACCEPTING THE PROJECT TITLED "PIPELINE REHABILITATION - CANNERY SEGREGATION SEGMENT II" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Pipeline Rehabilitation - Cannery Segregation Segment II, has been completed by Insituform West, Inc., in accordance with the contract agreement dated June 17, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Pipeline Rehabilitation - Cannery Segregation Segment II be accepted from said contractor, Insituform West, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $712,368.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-433

A RESOLUTION ACCEPTING THE PROJECT TITLED "PRESS BOX AND ELEVATOR TOWER ADDITION TO JOHN THURMAN FIELD" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Press Box and Elevator Tower Addition to John Thurman Field, has been completed by Acme Construction Company Inc., in accordance with the contract agreement dated January 27, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Press Box and Elevator Tower Addition to John Thurman Field be accepted from said contractor, Acme Construction Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $303,004.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-434

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING VIDEO VEHICLE DETECTION SYSTEM FOR ENGINERRING AND TRANSPORTATION DEPARTMENT-TRAFFIC DIVISION

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing video vehicle detection system for Engineering and Transportation Department-Traffic Division, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 29, 1998 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-435

A RESOLUTION APPROVING A FIVE (5%) INCREASE IN SALARY FOR THE CITY MANAGER AND CITY ATTORNEY.

WHEREAS, by Resolution No. 98-258 effective June 23, 1998, the City Council approved and established a "City Of Modesto Schedule Of Salary Ranges In City Service For FY 98-99 Effective 6/23/98", for Executive Management (Exhibit "J"), and

WHEREAS, the City Council desires to approve a five (5%) percent increase in salary to J. EDWARD TEWES, City Manager, and MICHAEL D. MILICH, City Attorney, effective August 18, 1998, which is within the range established in Exhibit "J" of Resolution No. 98-258,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a five (5%) percent increase in salary to J. EDWARD TEWES, the City Manager, and MICHAEL D. MILICH, the City Attorney, effective August 18, 1998, as follows:

Title	Hourly	Bi-Weekly	Monthly
City Manager	$ 56.8989	$ 4,551.9145	$ 9,900.4141
City Attorney	$ 53.1892	$ 4,255.1401	$ 9,254.9297

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-436

Print

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

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

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

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

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

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

Development and Operations Coordinator

Fleet Maintenance Supervisor

The job specifications for the classification of Development and Operations Coordinator (Range 438) as shown on the attached Exhibit "A", and Fleet Maintenance Supervisor (Range 428) as shown on the attached Exhibit "B", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Police Officer Trainee

The job specifications for the classification of Police Officer Trainee, as shown on the attached Exhibit "C", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Equipment Maintenance Supervisor I

Finance Data Processing Manager

Street Trees Crewleader

Systems Manager

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after August 18, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO AUGUST, 1998
NO. 3699

DEVELOPMENT AND OPERATIONS COORDINATOR

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

DEFINITION

Under general direction, to manage, plan, prioritize, assign and monitor activities related to operations, systems development and support services; to coordinate information services activities with other divisions; and to provide highly complex staff assistance to the Information Services Manager.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Information Services Manager.

Exercises functional and technical supervision over assigned 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, prioritize, assign, and monitor technology related projects pertaining to program analysis, development, implementation, training and the maintenance of applications systems and interfaces.

Recommend goals and objectives; assist in the development and implementation of polices and procedures.

Develop, implement, monitor and enforce standards for all in-house and vendor supplied software packages. This includes programming, systems analysis and development, internal and external procedures, system interfaces, documentation, on-line teleprocessing systems, system security and recovery, file integrity and acceptance testing.

Analyze and advise the IS Manager regarding the selection of applications and systems software packages, hardware, training materials, facilities, personnel, budget and on development matters.

EXHIBIT A

Essential Functions: (Continued)

Participate in the development of the Information Services work plan; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Assist in budget preparation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Participate in the selection of staff; provide or coordinate staff training; supervise, evaluate and coach assigned staff including maintaining discipline.

Provide staff assistance to all departments; meet with departmental staff regarding ongoing or planned projects; analyze user department requirements for technology related projects.

Coordinate activities with user departments and outside agencies and organizations; prepare and present staff and technical reports; conduct feasibility studies; assist in evaluating the City's long-range technology needs.

Conduct systems analysis and design for new projects or system revisions; install new software and software upgrades.

Oversee the timely run of production jobs, operations and equipment maintenance; compile information on computer utilization, cost and charges.

QUALIFICATIONS

Knowledge of:

Computer technology, systems analysis, design and programming including principles and practices of program planning, control and evaluation.

Function, capabilities and limitations of hardware and software.

Data base design and administration, data communications and operating systems.

Geographical Information Systems design, implementation and maintenance.

QUALIFICATIONS

Knowledge of: (Continued)

Requirements analysis, needs assessment and project management techniques.

Various software tools and languages such as COBOL, SQL, Report Writers and Oracle RDBMS.

Computer operating environments including UNIX, DOS, Windows 95 and Windows NT.

Local Area Network operating systems, the Internet and TCP/IP.

Programming languages and available software packages. Budgeting procedures and techniques.

Research techniques, methods and procedures.

Principles and practices of supervision, training and personnel management.

Ability to:

Plan, organize, supervise, train, and evaluate the work of assigned staff.

Quickly learn and use a variety of technologies, peripherals and software.

Analyze data, form logical conclusions and demonstrate sound professional judgment.

Accurately evaluate and prioritize hardware and software requests.

Recommend purchase of equipment, services and supplies.

Analyze complex administrative and information systems, identify problems, and develop logical conclusions and effective solutions.

Coordinate, direct and supervise systems analysis, design, and programming.

Prepare work plans and time estimates for projects and proposed systems.

QUALIFICATIONS

Ability to:

Develop and recommend cost-effective technical system improvements.

Analyze, interpret and report research findings.

Coordinate Information Services activities with user departments.

Assist other City staff in identifying technology related needs.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

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

Experience:

Five years of increasingly responsible experience as a Programmer Analyst, Systems Analyst, or related position involving systems development, including one year of supervisory or lead responsibility.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in Computer Science, Systems Analysis, Business Administration or related field.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

WORKING CONDITIONS (Continued)

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time.

CITY OF MODESTO AUGUST, 1998
No. 2754

FLEET MAINTENANCE SUPERVISOR

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

DEFINITION

To assign, supervise, and participate in the preventive maintenance and repair program for City vehicles and equipment; and to provide staff assistance to higher level supervisory staff.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Fleet Manager.

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

Essential Functions:

Establishes daily work priorities; inspects and evaluates equipment and prepares work orders.

Resolves a variety of routine personnel and related administrative matters.

Provides technical assistance to staff; inspects and evaluates work being performed; identifies problem areas and directs remedial action.

Instructs and provides for the training of staff in work methods, use of tools and equipment, and relevant safety precautions.

Maintains time, material, and equipment use records.

May test equipment on completion of work.

Responds to emergency situations as necessary.

Schedules and coordinates activities with other City departments and outside vendors.

EXHIBIT B

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - (Continued)

Essential Functions:

Assists in evaluation of economic life of equipment/vehicles.

Assists in preparation of budgetary estimates of the staffing, material, and equipment requirements for projected activities.

Writes specifications for the purchase of new equipment.

Ensures that activities are carried out in a safe and efficient manner; ensures compliance with all local, State and Federal regulations.

Monitors the performance of assigned staff for training needs and to meet expectations.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Basic supervisory principles and practices.

Techniques, methods, materials, tools, and equipment used in the overhaul, repair, and maintenance of gasoline and diesel-powered vehicles and equipment, trucks, and heavy construction equipment.

Principles and practices of purchasing materials and outside services.

Operation and maintenance of a wide variety of equipment, hand, shop, and power tools used in the course of work.

Relevant codes and regulations.

Safety practices, safe work methods, and safety regulations related to equipment maintenance work.

QUALIFICATIONS: (Continued)

Knowledge of:

Computer applications related to the work including word processing, spread sheet and database applications; computer applications related to equipment maintenance work.

Ability to:

Direct and instruct tasks involving highly skilled mechanical repair work.

Plan, estimate, direct, coordinate, schedule, and review the work of others.

Prepare and maintain a variety of accurate written and computerized records, and reports pertaining to the work.

Read and interpret equipment specifications, and manuals.

Operate and maintain equipment and tools used in the field.

Understand and implement programs to comply with local, State, and Federal laws.

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

Ability to lead by example.

Identify and implement effective courses of action to complete assigned work; use lead by example methodology.

Coordinate work assignments with other divisions, departments, and agencies.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

EXPERIENCE AND TRAINING GUIDELINES:

Any combination equivalent to experience and education that could likely provide the required knowledge and abilities would be qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of experience as a journey level automotive or heavy equipment mechanic, including one year of lead or supervisory experience. Experience using automated fleet management systems related to scheduling, vehicle replacement and cost analysis is highly desirable.

Education:

Equivalent to graduation from high school.

License or Certificate:

Possession of, or the ability to obtain, a valid California driver's license.

CITY OF MODESTO
NO. 7115
NO. 7120

AUGUST, 1998

POLICE OFFICER/POLICE OFFICER TRAINEE

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

DEFINITION

To perform law enforcement and crime prevention work; to control traffic flow and enforce State and local municipal codes, violations and traffic regulations; to perform investigative work; to participate in and provide support and assistance to special crime prevention and enforcement programs; and to perform a variety of technical and administrative tasks in support of the department.

DISTINGUISHING CHARACTERISTICS

Police Officer Trainee - This is the entry level class in the Police Officer series. This class is distinguished from the Police Officer by the performance of the more routine tasks and duties assigned to positions within the series. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Police Officer - This is the full journey level class within the Police Officer series. Employees within this class are distinguished from the Police Officer Trainee by the performance of the full range of duties as assigned including the full range of law enforcement work. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises technical supervision over nonsworn personnel.

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

EXHIBIT C

Essential Functions: (Continued)

Patrol a designated area of the.City to preserve law and order, discover and prevent the commission of crimes, and enforce traffic and other laws and ordinances; assist stranded motorists.

Answer calls and complaints involving automobile accidents, robberies, and related misdemeanors and felonies; render first aid as required.

Respond to general public service calls including animal complaints, domestic disturbances, civil complaints, property control, and related incidents.

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

Check buildings for physical security.

Serve as Field Training Officer as assigned; train new officers on departmental policies, procedures and activities.

Enforce traffic laws and ordinances; check speed with radar; issue warnings and citations.

Direct traffic at fire, special events, and other emergency or congested situations.

Conduct investigations of serious injury and fatality traffic accidents.

Conduct traffic accident analyses and general traffic surveys.

Conduct a variety of criminal investigations involving crimes against persons and property, auto theft, white collar crime, and narcotics; gather evidence and prepare cases for prosecution.

Identify suspects; conduct interviews and interrogations; apprehend and arrest offenders.

Teach bicycle safety in accordance with State agencies.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.

ESSENTIAL FUNCTIONS (Continued)

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in areas of public education relative to crime and crime prevention.

Assist in the performance of special investigative and crime prevention duties as required.

Prepare reports on arrests made, activities performed and unusual incidents observed.

Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; administer polygraph tests; gather and preserve evidence; testify and present evidence in court.

Serve warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

Serve as Assistant Squad Leader performing the duties of a Police Sergeant as assigned; act as Watch Commander; review and approve the reports of other Police Officers.

Perform a wide variety of laboratory tests and procedures including those related to narcotics testing; act as Department photographer; testify in court as an expert witness.

Serve as Department Training Manager; review and assess training needs and available programs; oversee and coordinate the attendance of Departmental staff at training programs and seminars; research policies and procedures related to training activities.

Serve as Crime Prevention Officer; oversee and coordinate crime prevention activities; make presentations to local citizens and community groups.

Serve as Intelligence Officer or Gang Officer; gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.

ESSENTIAL FUNCTIONS (Continued)

Investigate juvenile related crimes including child abuse and juvenile narcotics; coordinate youth services with outside agencies and organizations including local school districts; conduct community presentations and instruct assigned classes.

Participate in recruiting sworn staff; conduct background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Give oral presentations at schools, clubs and other community organizations.

Act as Department court liaison.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Police Officer Trainee

Ability to:

Learn proper Police procedures and methods.

Analyze situations quickly and objectively, and determine and take emergency and/or appropriate action.

Understand and carry out oral and written instructions;

Communicate effectively, both orally and in writing.

Learn the operation of standard equipment and facilities required in the performance of assigned tasks including a computer.

Type at a reasonable speed necessary for successful job performance (25 wpm).

Learn standard broadcasting procedures of a police radio system including mobile dispatch terminals.

Meet the physical requirements established by the Department.

Police Officer Trainee - Continued

Ability to: (Continued)

Prepare accurate and grammatically correct written reports.

Experience and Training Guidelines

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

Experience:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

License or Certificate

Possession of an appropriate, valid California driver's license.

Additional Requirement:

Minimum of 21 years of age.

Police Officer

In addition to the qualifications for Police Officer Trainee

Knowledge of:

Police methods and procedures including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the seizure and preservation of evidence.

Knowledge of: (Continued)

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.

First aid and CPR procedures and practices.

Interviewing and interrogation techniques.

Ability to:

Use and care for firearms.

Use maps and learn City geography.

Handle multiple assignments.

Experience and Training Guidelines

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

Experience:

None required.

Training:

Equivalent to the completion of the twelfth grade and completion of a minimum of 30 units of college coursework from an accredited college or university. Possession of an Associate of Arts degree is desirable.

Completion of a California P.O.S.T. certified Basic Law Enforcement Academy.

License or Certificate

Possession of an appropriate, valid California driver's license.

WORKING CONDITIONS (For Both Levels)

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-437

Print

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 98-258 TO REVISE THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ADD DEVELOPMENT AND OPERATIONS COORDINATOR AND FLEET MAINTENANCE SUPERVISOR AND TO DELETE EQUIPMENT MAINTENANCE SUPERVISOR I, FINANCE DATA PROCESSING MANAGER, AND SYSTEMS MANAGER, AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO REVISE THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO DELETE STREET TREES CREWLEADER.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 98-258 to add Development and Operations Coordinator (Range 438) and Fleet Maintenance Supervisor (Range 428) and to delete Equipment Maintenance Supervisor I, Finance Data Processing Manager, and Systems Manager from the Management And Confidential Non-Sworn Class Range Table effective August 18, 1998, and further desires to amend Exhibit "A" of Resolution No. 95-26 to delete Street Trees Crewleader from the General Non-Sworn Class Range Table effective August 18, 1998,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 98-258. Exhibit "A" of Resolution No. 98-258 entitled "City Of Modesto Class Range Table Management And

Confidential Non-Sworn Classes, Effective June 23, 1998", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes,Effective August 18, 1998", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Development and Operations Coordinator (Range 438) and Fleet Maintenance Supervisor (Range 428) to the Management And Confidential Non-Sworn Class Range Table and deletes Equipment Maintenance Supervisor I (formerly Range 428), Finance Data Processing Manager (formerly Range 442), and Systems Manager (formerly Range 434) from the Management And Confidential Non-Sworn Class Range Table.

SECTION 2. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" of Resolution No. 95-26 entitled "City Of Modesto Class Range Table, General Non-Sworn Classes, Effective January 10, 1995", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table General Non-Sworn Classes, Effective August 18, 1998, which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" deletes Street Trees Crewleader (formerly Range 118) from the General Non-Sworn Class Range Table.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after August 18, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18 day of August, 1998 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

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

Effective August 18, 1998

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Accountant I (Confidential) Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Systems Technician Workers' Compensation Claims Examiner I

EXHIBIT A

421	
422	Office Supervisor
423	Custodian Supervisor Police Support Services Supervisor
424	Assistant Planner Asst. City Clerk/Auditor Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Stores Manager
427	Events Supervisor Legal Services Administrator
428	Parks Maintenance Supervisor Airport Maintenance Supervisor Trees Maintenance Supervisor Senior Buyer Accountant II Budget Analyst Public Works Supervisor Building Maintenance Supervisor Customer Services Specialist Customer Services Supervisor **Fleet Maintenance Supervisor**
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Affirmative Action Officer Personnel Analyst Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst

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

441	Airport Manager
	Solid Waste Program Manager
	Transit Manager
	Streets Superintendent
	Parks Operations Superintendent
	Risk Manager
	Assistant Personnel Director
	Recreation Superintendent
	Fleet Manager
	Urban Forestry Superintendent
	Wastewater Collections Superintendent
	Water Superintendent
	Building Maintenance Superintendent
	Police Records Manager
	Fire Marshal
	Golf Services Manager
	Deputy City Attorney II
442	Supv. Building Inspector
	Supv. Construction Inspector
	Manager of Budget and Financial Analysis
	Information Services Manager
443	Deputy Chief Bldg. Official
	Sr. Deputy City Attorney I
444	General Services Manager
	Principal Planner
445	Customer Services Division Manager
	Accounting Division Manager
	Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Chief Building Official
	Assistant to City Manager
	Asst. Parks & Recreation Dir. - Civic Center
	Asst. Parks & Recreation Dir. - Parks
	Asst. Parks & Recreation Dir. - Recreation
	Business Development Division Manager
	Development Services Division Manager
	Strategic Planning Division Manager
	Senior Civil Engineer
	Traffic Engineer

448

449 Sr. Deputy City Attorney II

450

451

452 Deputy Director - Engineering & Transportation
Deputy Director - Utilities

453 Assistant City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective August 18, 1998

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

EXHIBIT A

116	Equipment Operator
	Fire Prevention Technician I
	Motor Sweeper Operator
	Traffic Technician
	Traffic Painter
	Traffic Sign Worker
	Wastewater Collection System Operator
	Water Distribution System Operator
117	Electrical Technician II
	Storm Water Inspector
118	Fleet Procurement Specialist
	Senior Storeskeeper
	Parking Lot Maintenance Crewleader
	Parks Crewleader
	Tree Trimmer
119	Maintenance Mechanic - Parks
	Planning Technician II
	Maintenance Mechanic - Pumps
	Wastewater Treatment Plant Operator
	Civil Engineering Technician I
	Building Maintenance Mechanic
	Police Administrative Assistant
	Public Information Technician
	Code Enforcement Officer II
	Community Service Officer II
	Assistant Buyer
120	Welder/Fabricator
	Senior Equipment Operator
	Fire Prevention Technician II
	Equipment Mechanic
	Assistant Electrician
	Traffic Painter Crewleader
	Accountant I
	Meter Reader Crewleader
	Laboratory Analyst I
121	Wastewater Treatment Plant Relief Operator

122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. Crewleader - Parks
124	Plant Mechanic Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader Community Development Program Specialist I Wastewater Collection System Crewleader Laboratory Analyst II
125	Crime Analyst Sr. Wastewater Treatment Plant Operator
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Material Program Coordinator
131	Sr. Civil Engineering Asst.

132	
133	
134	Senior Building Inspector Senior Construction Inspector Fire Plan Checker Plan Review Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-438

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ECONOMICS RESEARCH ASSOCIATES TO CONDUCT COMPREHENSIVE MANAGEMENT AUDIT OF THE CITY GOLF PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Economics Research Associates to conduct comprehensive management audit of the City golf program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-439

A RESOLUTION DENYING THE PROJECT WITHOUT PREJUDICE FOR AN AMENDMENT TO PLANNED DEVELOPMENT ZONE, P-D(109) FOR A FOR A MULTI-SCREEN THEATER AND RESTAURANTS AT THE VINTAGE FAIRE MALL, LOCATED ON PROPERTY ON THE EAST SIDE OF SISK ROAD NORTH OF STANDIFORD AVENUE. (MACERICH VINTAGE FAIRE LIMITED PARTNERSHIP)

WHEREAS, Planned Development Zone, P-D(109), was approved by the City Council by Ordinance No. 1259-C.S., which became effective on April 25, 1973, to allow development of a regional shopping center of 1,300,000 square feet on property located on the east side of Sisk Road north of Standiford Avenue, and

WHEREAS, said P-D(109) has been amended by various documents adopted by the City Council on several occasions, and

WHEREAS, a verified application for an amendment to P-D(109) was filed by the Macerich Company on August 4, 1997, to allow an 18-screen theater and two restaurants on the north side of the Mall, and

WHEREAS, that application was deemed not complete and by consent of the applicant, that application was not processed by the City pending the submittal of certain items by the applicant, and

WHEREAS, the applicant subsequently submitted the required items to constitute a complete application on March 16, 1998, and

WHEREAS, the City's Community Development Department reviewed the proposed project, and on May 4, 1998, and prepared Initial Study No. 98-17, which

determined that the proposed amendment to P-D(109) is within the scope of the General Plan Master EIR (SCH No. 92052017), and that pursuant to Section 15177 of the CEQA Guidelines, no new environmental document would be required, and

WHEREAS, a public hearing was held by the Planning Commission on May 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 98-39, the Planning Commission recommended to the City Council the approval of the application for said project, subject to the conditions set forth in said Planning Commission Resolution, a copy of which resolution is on file in the Office of the City Clerk, and

WHEREAS, said recommendation of the Planning Commission relating to the project was set for a City Council public hearing, duly noticed to be held on Tuesday, June 16, 1998, which public hearing was continued to August 18, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time said public hearing was held by the Council, and evidence both oral and documentary was taken and introduced, and

WHEREAS, after said hearing, the Council found and determined that said project as recommended by the Planning Commission should be denied without prejudice,

NOW, THEREFORE, BE IT RESOLVED that the City Council determines that the public necessity, convenience, and general welfare require that the project be denied without prejudice.

The foregoing resolution was introduced at a regular meeting of the Council of

the City of Modesto held on the 18th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	Conrad
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-440

Print

A RESOLUTION DENYING WITHOUT PREJUDICE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND MACERICH VINTAGE FAIRE LIMITED PARTNERSHIP AND SIGNATURE THEATRES, LLC, IN CONJUNCTION WITH AN AMENDMENT TO P-D(109) TO ADD A MULTI-SCREEN CINEMA TO THE VINTAGE FAIRE MALL.

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, by City Council Resolution No. 91-185, adopted on March 26, 1991, the City Council established procedures and requirements for the consideration of development agreements, and by City Council Resolution No. 97-492, adopted on August 26, 1997, the City Council revised said procedures and requirements and superseded Resolution No. 91-185, and

WHEREAS, the Planning Commission on May 18, 1998, held a public hearing to consider an application by Macerich Vintage Faire Limited Partnership to amend Planned Development Zone, P-D(109), for the addition of a 16-screen theater and two restaurants, and

WHEREAS, the Planning Commission by Resolution 98-39 recommended approval of the amendment to Planned Development Zone, P-D(109), which included, with the consent of the applicant, a condition requiring a development agreement to address certain issues be negotiated and executed prior to City Council approval of the amendment, and

WHEREAS, the City Council held a duly noticed public hearing on June 16, 1998, for the proposed amendment to Planned Development Zone, P-D(109), at which hearing the City Council voted to continue the public hearing to August 18, 1998, to allow for the negotiation and execution of a Development Agreement, and

WHEREAS, a proposed Development Agreement having been negotiated between representatives of the City of Modesto and the applicants, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on August 3, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, for the purpose of making a recommendation to the City Council concerning the proposed Development Agreement, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission, by Resolution No. 98-47, adopted on August 3, 1998, recommended to the City Council approval of the proposed Development Agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, LLC, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on August 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of considering the proposed Development Agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, LLC, and

WHEREAS, after said hearing, the Council found and determined that said proposed Development Agreement and rezoning as recommended by the Planning Commission should be denied,

NOW, THEREFORE, BE IT RESOLVED that the City Council determines that the public necessity, convenience, and general welfare require that the proposed Development Agreement be denied without prejudice.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES.	Councilmembers:	Conrad
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-441

A RESOLUTION DENYING THE PROJECT WITHOUT PREJUDICE FOR AN AMENDMENT TO REZONE FROM SPECIFIC PLAN OVERLAY, SP-O, ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(530) FOR MULTI-SCREEN THEATRE, HOTEL, RESTAURANTS, AND RETAIL USES, LOCATED ON PROPERTY ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD (COSTA LIMITED PARTNERS)

WHEREAS, on April 1, 1997, the Modesto City Council certified a Final Focused Environmental Impact Report (SCH# 94082005), and adopted Resolution No. 97-159 adopting the Kiernan Business Park Specific Plan, and

WHEREAS, on April 7, 1998, the Council adopted Resolution No. 98-170 approving Amendment No. 2 to the Kiernan Business Park Specific Plan to change Section III-D(3)(c) to allow theatres with a Planned Development Zone in the Regional Commercial designation, as requested by Costa Limited Partners, and

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by Costa Limited Partners on February 9, 1998, to rezone from Specific Plan Overlay (SP-O) Zone, to Planned Development Zone, P-D(530), to allow a multi-screen theatre, hotel, restaurants, and retail commercial uses, on property located on the north side of Pelandale Avenue east of Sisk Road, and

WHEREAS, a public hearing was held by the Planning Commission on May 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the application for an amendment to Section 2-3-8 of the zoning Map which was filed by Costa Limited Partners, at which hearing evidence both oral and documentary was received

and considered, and

WHEREAS, by Resolution No. 98-40, the Planning Commission recommended to the City Council the approval of the application for said project, subject to the conditions set forth in said Planning Commission Resolution, a copy of which resolution is on file in the Office of the City Clerk, and

WHEREAS, said recommendation of the Planning Commission relating to the project was set for a City Council public hearing, duly noticed to be held on Tuesday, June 16, 1998, which public hearing was continued to August 18, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to allow for the negotiation and execution of a development agreement for the project, and

WHEREAS, in the interim, the Planning Commission held a duly noticed public hearing on August 3, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, for the purpose of making a recommendation to the City Council concerning the proposed development agreement, in accordance with City Council Resolution No. 97-492, adopted on August 26, 1997, relating to establishing procedures and requirements for the consideration of development agreements, and

WHEREAS, by Planning Commission Resolution No. 98-48, adopted on August 3, 1998, the Planning Commission recommended to the City Council approval of a Development Agreement between Costa Limited Partners and WestStar Cinemas, Inc., and the City of Modesto, and

WHEREAS, on August 18, 1998, the Council considered this matter at its duly noticed public hearing, at which time evidence both oral and documentary was taken and

introduced, and

WHEREAS, after said hearing on August 18, 1998, the Council found and determined that said project as recommended by the Planning Commission should be denied without prejudice,

NOW, THEREFORE, BE IT RESOLVED that the City Council determines that the public necessity, convenience, and general welfare require that the request to rezone the project be denied without prejudice.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	Conrad
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-442

Print

A RESOLUTION DENYING WITHOUT PREJUDICE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND COSTA LIMITED PARTNERS AND WESTSTAR CINEMAS, INC., IN CONJUNCTION WITH A REZONING FROM SP-O TO P-D TO ALLOW A MULTI-SCREEN CINEMA, HOTEL, AND RETAIL CENTER ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD.

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, by City Council Resolution No. 91-185, adopted on March 26, 1991, the City Council established procedures and requirements for the consideration of development agreements, and by City Council Resolution No. 97-492, adopted on August 26, 1997, the City Council revised said procedures and requirements and superseded Resolution No. 91-185, and

WHEREAS, the Planning Commission on May 18, 1998, held a public hearing to consider an application by Costa Limited Partners and WestStar Cinemas, Inc., in conjunction with a rezoning from a Specific Plan Overlay (SP-O) Zone to a Planned Development, P-D(530), Zone to include a 16-screen theatre, hotel, and retail center on the north side of Pelandale Avenue east of Sisk Road, and

WHEREAS, the Planning Commission by Resolution 98-40 recommended approval of the proposed rezoning which included, with the consent of the applicant, a

condition requiring a development agreement to address certain issues be negotiated and executed prior to City Council approval of the rezoning, and

WHEREAS, the City Council held a duly noticed public hearing on June 16, 1998, on the proposed rezoning from Specific Plan Overlay (SP-O) to Planned Development, P-D(530), Zone, at which hearing the City Council voted to continue the public hearing to August 18, 1998, to allow for the negotiation and execution of a Development Agreement, and

WHEREAS, a proposed Development Agreement having been negotiated between representatives of the City of Modesto and the applicants, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on August 3, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, for the purpose of making a recommendation to the City Council concerning the proposed Development Agreement, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission, by Resolution No. 98-48, adopted on August 3, 1998, recommended to the City Council approval of the proposed Development Agreement between the City of Modesto and Costa Limited Partners and WestStar Cinemas, Inc., in conjunction with a rezoning from Specific Plan Overlay (SP-O) Zone to Planned Development Zone, P-D(530), to allow a multi-screen cinema, hotel, and retail center, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on August 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the

Council was held for the purpose of considering the proposed Development Agreement between the City of Modesto and Costa Limited Partners and WestStar Cinemas, Inc., and

WHEREAS, after said hearing, the Council found and determined that said proposed Development Agreement and rezoning as recommended by the Planning Commission should be denied without prejudice,

NOW, THEREFORE, BE IT RESOLVED that the City Council determines that the public necessity, convenience, and general welfare require that the proposed Development Agreement be denied without prejudice for the following reasons:

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES.	Councilmembers:	Conrad
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-443

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING VAPOROOTER SERVICE FOR OPERATIONS AND MAINTENANCE DEPARTMENT - WASTEWATER COLLECTION

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing vaporooter service for Operations & Maintenance Department - Wastewater Collection Division to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 29, 1998 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-444

Print

A RESOLUTION ACCEPTING THE BID OF RUTHERFORD AND SMITH CONSTRUCTION INC FOR THE PROJECT TITLED "RANCH CANNERY PUMP STATION AND FORCEMAIN - SCHEDULE A"

WHEREAS, the bids received for Ranch Cannery Pump Station and Forcemain-Schedule A were opened at 11:00 a.m. on August 11, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Rutherford and Smith Construction Inc. be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-445

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL MASTER ENVIRONMENTAL IMPACT REPORT (SCH 96042009) RELATING TO THE APPROVAL OF THE WASTEWATER MASTER PLAN: APPROVING A CONTRACT FOR THE PROJECT TITLED "RANCH CANNERY PUMP STATION AND FORCEMAIN - SCHEDULE A" AWARDED TO RUTHERFORD AND SMITH CONSTRUCTION, INC.

WHEREAS, on May 27, 1997, by Resolution No. 97-290, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (" EIR") (SCH 96042009) for the Wastewater Master Plan, and

WHEREAS, on November 18, 1997, the City's Public Works and Transportation Department by Environmental Assessment Initial Study, reviewed the proposed Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Final Master EIR; and, further, that no new or additional mitigation measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Final Master EIR, and

WHEREAS, on August 25, 1998, the City Council considered approving a contract for the "Ranch Cannery Pump Station and Forcemain - Schedule A" to be awarded to Rutherford & Smith Construction, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared on

November 18, 1997, for the proposed project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study, makes the following findings:

1. That the project is within the scope of the Master Plan covered by the Wastewater Master Plan Master Environmental Impact Report.

2. That the City is the lead agency identified in that report.

3. That the project will have no additional significant effect on the environment, as defined in Section 21158(d) of the Public Resources Code.

4. That accordingly, the project does not require a new environmental impact document or findings pursuant to Public Resources Code Section 21081.

5. That all feasible mitigation measures or feasible alternatives set forth in the Master Environmental Impact Report appropriate to the project have been incorporated into the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study to Document Conformance of the
Segregated Cannery Wastewater Ranch Pumping Facility
and Distribution System with the Master EIR for the
Wastewater Master Plan

INTRODUCTION

Section 21157.1(c) of the California Environmental Quality Act provides that "if the lead agency, based on the initial study, determines that a purposed subsequent project will have no additional significant effect on the environment, as defined in subdivision d of Section 21158, that was not identified in the master environmental impact report and that no new or additional mitigation measures or alternatives may be required, the lead agency shall make a written finding based upon the information contained in the initial study that the subsequent project is within the scope of the project covered by the master environmental impact report. No new environmental document nor findings pursuant to Section 21081 shall be required by this division." This prototype Initial Study has been developed by the City as the information basis on which all subsequent wastewater master plan projects will be evaluated in compliance with Section 21157.1(c).

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project's effects were adequately addressed in the Wastewater Master Plan Master EIR (State Clearinghouse No. 96042009) or the General Plan Master EIR. No new environmental document nor findings are necessary. [X]

I find that the proposed project's effects were not fully addressed in the Wastewater Master Plan Master EIR and that additional environmental analysis is necessary. [ ]

Antonio S Tovar

Antonio S. Tovar
Assistant Civil Engineer

November 18, 1997
Date

EXHIBIT A

DESCRIPTION OF SUBSEQUENT PROJECT (Indicate Assessor's Parcel Number and include attachments as necessary)

Assessor's Parcel Number: 22-01-08.

The project consists of the design for pumping and conveyance systems for direct land disposal of cannery waste at the Secondary Treatment Plant Site, 7007 Jennings Road, is needed. This will allow conveyance of the segregated cannery wastewater directly to the City's ranch land without treatment.

EVALUATION OF ENVIRONMENTAL IMPACTS

A. TRAFFIC AND CIRCULATION NEEDS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to traffic and circulation needs. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 21 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The construction and operation of the subsequent project would result in approximately 12 and no vehicle trips per day respectively, and would not substantially degrade the level of service along affected roadways and intersections.

3. The service capacity (regarding circulation) of the subsequent project is zero and is therefore substantially similar to that described in the Wastewater Master Plan Master EIR. Consequently, the subsequent project would support an overall development level and population consistent with the growth projections embodied in the Wastewater Master Plan.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

B. DEGRADATION OF AIR QUALITY AND GENERATION OF ODORS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System. as a subsequent project, does not require supplemental environmental analysis with regard to degradation of air quality and generation of odors. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 36 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction of the subsequent project would result in approximately 0 pounds per day and 0 tons per year of NOx, below the significance levels of 55 pounds per day and 10 tons per year. Operation of the subsequent project would not result in air pollutant emissions substantially in excess of those analyzed in the WWMP MEIR, and therefore would not result in any additional exceedences of SJVUAPCD thresholds.

3. Objectionable odors would not be created in excess of those analyzed and described in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

C. GENERATION OF NOISE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to generation of noise. Substantial evidence for this conclusion is as follows.

1. Page(s) VI – 38 through 39 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. Construction and operation of the subsequent project would not generate significant noise beyond the levels described in the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. The Contractor shall install noise reduction equipment (mufflers) when construction is near homes of schools.

2. Equipment staging areas shall be located as far from residences as possible.

D. LOSS OF AGRICULTURAL LAND

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to loss of agricultural land. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 50 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is outside the General Plan boundary but is proposed to be sited on land that is currently in use, which is not designated as prime farmland, and will therefore not convert prime agricultural land or displace or substantially impair the agricultural productivity of prime agricultural land outside of the City's General Plan boundary.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

E. INCREASED DEMAND FOR WATER SUPPLIES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for water supplies. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 57 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project would not use large amounts of water or significantly waste water in a way not described in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

F. INCREASED DEMAND FOR SANITARY SEWER SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for sanitary sewer services. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 58 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Public Works Director has confirmed that the subsequent project would not create the need for sanitary sewer services beyond that analyzed in the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

G. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to loss of sensitive wildlife and plant habitat. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 69 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is not the parallel outfall crossing at the Tuolumne Crossing, nor is the pipeline 24C, 7B or 7C as designated on Figure IV-6 of the Wastewater Master Plan Master EIR nor is it located on lands that can be characterized as open pasture lands, wetlands, or vernal pools.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

H. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORIC SITES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to disturbance of archaeological or historic sites. Substantial evidence for this conclusion is as follows.

1. Page(s) VI – 77 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project would not affect any structure or artifact of known historical importance or significance.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

I. DRAINAGE, FLOODING AND WATER QUALITY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to drainage, flooding, and water quality. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 92 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project would not locate any structures within a 100-year flood plain that are not described in the WWMP and that would contribute to substantial flooding.

3. The subsequent project would not create any discharges in addition to those analyzed in the WWMP MEIR that could result in a violation of water quality standards.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

J. INCREASED DEMAND FOR STORM DRAINAGE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for storm drainage. Substantial evidence for this conclusion is as follows.

1. Page(s) VI – 98 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Public Works Director has confirmed that the subsequent project would not cause the drainage system to unsafely convey and dispose of storm flows.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

K. INCREASED DEMAND FOR PARKS AND RECREATION

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for parks and recreation. Substantial evidence for this conclusion is as follows.

1. Page(s) VI – 106 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City's Parks and Recreation Director has confirmed that the subsequent project would not result in the long-term disruption of the normal use or require the reduction in size of an existing park not analyzed in Section VI of the WWMP MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

L. INCREASED DEMAND FOR SCHOOLS

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for schools. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 108 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The Director of Planning and Research of the Modesto City Schools has confirmed that the subsequent project would not result in a substantial increase in the demand for schools in addition to that described in Chapter IV, Section 12 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility subsequent project:

1. N/A

M. INCREASED DEMAND FOR POLICE SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for police services. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 109 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Police Chief has confirmed that construction and operation of the subsequent project would not exceed the capacity of local police services beyond that described in Chapter IV, Section 13 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

N. INCREASED DEMAND FOR FIRE SERVICES

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to increased demand for fire services. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 115 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Fire Chief has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the demand for fire services in addition to that described in Chapter IV, Section 14 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

O. GENERATION OF SOLID WASTE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with

regard to generation of solid waste. Substantial evidence for this conclusion is as follows.

1. Page(s) VI – 116 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not result in a substantial increase in the demand for solid waste in addition to that described in Chapter IV, Section 15 of the General Plan Master EIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

P. GENERATION OF HAZARDOUS WASTE

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to generation of hazardous waste. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 128 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Director has confirmed that construction and operation of the subsequent project would not potentially result in an unauthorized release of a hazardous substance or generate, use, store, or transport of any hazardous waste substantially in addition to that described in the WWMP MEIR, or violate a federal, state, or local laws or regulations for hazardous materials or hazardous wastes.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

Q. LANDSLIDES AND SEISMIC ACTIVITY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to landslides and seismic activity. Substantial evidence for this conclusion is as follows.

1. Page(s) VI – 137 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The subsequent project is not located in an area in which landslides and seismic activity threaten the public health and safety.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

R. ENERGY

The Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System, as a subsequent project, does not require supplemental environmental analysis with regard to energy. Substantial evidence for this conclusion is as follows.

1. Page(s) VI - 138 of the Wastewater Master Plan Master EIR provides the criteria and basis for judging the potential environmental consequences of this subsequent project.

2. The City Public Works Directors confirms that the subsequent project would not create a significant increase in demand for energy beyond that analyzed in Chapter IV, Section 18 of the General Plan MEIR.

Following are the feasible mitigation measures, identified in the Master EIR, which are now appropriate to be incorporated into the Segregated Cannery Wastewater Ranch Pumping Facility and Distribution System subsequent project:

1. N/A

MODESTO CITY COUNCIL
RESOLUTION NO. 98-446

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "WATER STORAGE BUILDING AT WATER TANK NO. 6" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Water Storage Building at Water Tank No. 6, has been completed by Paul Anderson Construction, in accordance with the contract agreement dated February 3, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Water Storage Building at Water Tank No. 6 be accepted from said contractor, Paul Anderson Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $118,614.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-447

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO REIMBURSE CITY FOR RIDES TAKEN BY COUNTY EMPLOYEES ON MAX

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to reimburse City for rides taken by County employees on MAX be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-448

Print

A RESOLUTION AUTHORIZING ADVANCEMENT OF $100,000 FOR AN AMENDMENT TO A CONSULTING CONTRACT FOR THE NINTH STREET RAILROAD RELOCATION PROJECT.

WHEREAS, by Resolution No. 88-750, the original Agreement for Engineering Services with De Leuw, Cather & Company for the Ninth Street Railroad Relocation Project was approved by Council on October 4, 1988, and

WHEREAS, the initial agreement and seven subsequent amendments were for studies and applications for grants, and

WHEREAS, Amendments 9 and 10 began the actual design and property research for the project, and

WHEREAS, Amendment 11 will accommodate design changes initiated on the Tuolumne Boulevard Extension, and

WHEREAS, Amendment 12 for the Kansas-Needham Overcrossing is a major redesign effort (cost of $429,000) which will align the over-crossing to the future Highway 132, and

WHEREAS, the City Council, by Resolution No. 98-335, adopted on June 11, 1998, approved the new alignment, and

WHEREAS, City staff has requested that the City Council advance $100,000 for the design effort to allow the consultant to establish the exact right-of-way requirements and elevations of the Kansas-Needham structure which will give Modesto Irrigation District

sufficient plans to begin design of their utility relocation work, (3 power lines are in conflict with the new overcrossing), which must be completed by April 1, 1999, in order to meet power requirements for the canning season, and

WHEREAS, any delay past this date will postpone the entire over-crossing project a full year and will subject the project to a price increase of five (5%) percent or about $550,000 on an $11 million dollar construction project, and

WHEREAS, Cal-Trans has not completed its review of Amendment 12, and the $100,000 advance will keep the project moving pending Cal-Trans' review and acceptance of Amendment 12 and will also allow the consultant time to develop plans in order to meet requirements for MID's relocation of the power lines in conflict with the overcrossing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the City Council hereby approves the advance of $100,000 to further the design of the Kansas-Needham Overcrossing in accordance with Amendment 12 to the consulting contract for the Ninth Street Railroad Relocation Project and to meet requirements for MID's relocation of the power lines in conflict with the overcrossing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-449

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GRACEADA MANSION PARTNERSHIP FOR THE LEASE OF A PORTION OF WELL NO. 2 LOCATED AT 110 POPLAR AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Graceada Mansion Partnership for the lease of a portion of Well No. 2 located at 110 Poplar Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-450

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND KAUFMAN AND BROAD - CENTRAL VALLEY INC. FOR WATER LINE EXTENSION ALONG PRESCOTT ROAD AND SNYDER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Kaufman and Broad - Central Valley Inc. for water line extension along Prescott Road and Snyder Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk
9

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-451

A RESOLUTION APPROVING THE FINAL MAP OF THE WILDFLOWER SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Kaufman Capital Corporation, a California corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 19.66 acres, known as Wildflower Subdivision ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of April, 1998, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Wildflower 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, and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after subdividers have taken all actions reasonably necessary to form or annex to a City of Modesto Mello-Roos Community Facilities District ("CFD") or have executed an irrevocable 18-month appointment of a representative to act for it in a CFD election which is in a form acceptable to the City Attorney, after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been

paid, and after subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-452

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET APPROPRIATING FUNDS FROM CONTINGENCY RESERVE TO THE PROMOTIONS ACCOUNT IN THE DOWNTOWN IMPROVEMENT FUND

WHEREAS, the Board of Directors of the Downtown Improvement District has requested that $5,000 be used from the Downtown Improvement District reserve account to engage a professional consultant to critique the Mayor's Downtown Nights project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures	
#090-800-8000-8003 Contingency Reserve	$(5,000)
#090-140-1442-0237 Promotions	$ 5,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-453

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JACK DOOLEY FROM THE LANDMARK PRESERVATION COMMISSION, EFFECTIVE AUGUST 25, 1998

WHEREAS, Jack Dooley was appointed a member of the Landmark Preservation Commission on January 2, 1996; and

WHEREAS, Jack Dooley has tendered his resignation from the Landmark Preservation Commission, effective August 25, 1998; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Jack Dooley from the Landmark Preservation Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-454

Print

A RESOLUTION ACCEPTING PUBLIC HEALTH GOALS REPORT

WHEREAS, Title 22 of the California Healthy and Safety Code requires that all large water system providers issue a public notice on water quality standards in their service area; and

WHEREAS, said report was issued on July 1, 1998, and a public hearing was held on August 25, 1998 to hear public comments.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Public Health Goals Report be, and is hereby accepted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-455

Print

A RESOLUTION APPOINTING KATHLEEN COHN AND LINDA AVEDON AND REAPPOINTING HONOR DENNEY, JUDITH KENYON, KATHLEEN MORGAN AND PATRIOT ROBERTS TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. Kathleen Cohn and Linda Avedon are hereby appointed to the Community Qualities Forum with term expirations of January 1, 2002.

SECTION 2. The following are hereby reappointed to the Community Qualities Forum:

Honor Denney with a term expiration of January 1, 2000; Judith Kenyon with a term expiration of January 1, 2002; Kathleen Morgan and Patriot Roberts, with term expirations of January 1, 2001.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed and reappointed members of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of August, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-456

Print

A RESOLUTION APPROVING A CHANGE IN PROCEDURE AND AUTHORIZING THE PURCHASING OFFICER TO PURCHASE VARIOUS VEHICLES THROUGHOUT FISCAL YEAR 1998-1999 BY AUCTION, NEGOTIATION, INFORMAL AND FORMAL BID PROCESSES AND FROM THE STATE OF CALIFORNIA COMPETITIVELY BID CONTRACTS WITHOUT RETURNING TO CITY COUNCIL FOR FINAL APPROVAL OF AWARD AND PURCHASE.

WHEREAS, by a report dated August 25, 1998, from the Finance Department/Purchasing Division, a copy of which report is on file in the City Clerk's Office, a request was made to authorize the Purchasing Officer to purchase various vehicles throughout Fiscal Year 1998-1999 by auction, negotiation, informal and formal bid processes and from the State of California competitively bid contracts without returning to City Council for final approval of award and purchase for a total not to exceed the budgeted amount of $1,309,000.00, and

WHEREAS, Section 8-3.203(d) of the Modesto Municipal Code provides that the Purchasing Officer, in his discretion, may determine that a process other than the formal bid procedure set forth in Section 8-3.204 of the Modesto Municipal Code will result in a procurement for the City at the lowest possible cost commensurate with the desired quality,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby approves a change in the procedure and authorizes the Purchasing Officer to purchase various vehicles throughout Fiscal Year 1998-1999 by auction, negotiation, informal and formal bid processes and from the State of California competitively bid contracts without returning to City Council for final approval of award and purchase for a total not to exceed the budgeted amount of

$1,309,000.00, as requested in the report dated August 25, 1998 from the Finance Department/Purchasing Division, a copy of which report is on file in the City Clerk's Office.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-457

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "PELANDALE EXPRESSWAY PHASE 1A"

WHEREAS, the bids received for Pelandale Expressway Phase 1A were opened at 11:00 a.m. on August 18, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $1,644,227.20 from George Reed Inc. be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-458

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $1,841,534.46 TO CREATE A CIP PROJECT ACCOUNT TO AID PROJECT ACCOUNTING OF THE PELANDALE EXPRESSWAY PHASE 1A PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM:	141 430 J924 6040;	1,644,227.20
	141 430 J924 6050;	82,211.36
	141 430 J924 6060;	115,095.90
TO:	TBD 6040	1,644,227.20
	6050	82,211.36
	6060	115,095.90

This transfer will create a new CIP project so project costs can be tracked separately from future phases of the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-459

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017): APPROVING A CONTRACT FOR A PROJECT TITLED "PELANDALE EXPRESSWAY PHASE 1A".

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, on Engineering and Transportation Department, by an Initial Study, reviewed the proposed Pelandale Avenue Extension in regard to a project titled "Pelandale Expressway Phase 1A", and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on September 1, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared by the Engineering and Transportation Department for the proposed project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study, makes the following findings:

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

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

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

4. There are no special features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

PELANDALE AVENUE EXTENSION -
Dale Road to the existing Pelandale Ave. 1700' West of McHenry Ave.
Including PRESCOTT ROAD EXTENSION -
Snyder Ave. to the new Pelandale Ave.

I. PURPOSE

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

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

II. PROJECT DESCRIPTION

A. Project title:

Pelandale Expressway Phases 1A, 1B, and 1C.

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:

Dean Phillips, Engineering and Transportation Department, (209) 577-5260

D. Project Location:

Pelandale Avenue - from Dale Road to the existing Pelandale Avenue approximately 1700 feet West of McHenry Avenue, and
Prescott Road - from Snyder Avenue to the new Pelandale Avenue.

E. Project sponsor:

City of Modesto, P.O. Box 642, Modesto, CA. 95353

F. General Plan Designation:

Commercial (C)
Regional Commercial (RC)
Residential (R)

EXHIBIT "A"

G. Zoning:

Specific Plan (SP-O)
County Planned Industrial (PI)

H. Description of Proposed Project:

This is an application to construct a two lane roadway within the limits previsously described.

I. Surrounding land uses:

The project is bounded on the North and South by agricultural land zoned P-SP-O, and SP-O. To the west is a developed residential area zoned R3, and to the East are vacant lots currently within Stanislaus County.

J. Other public agencies whose approval is required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

The Pelandale Avenue and Prescott Road Extensions propose public improvements consistent with the General Plan designation for this site. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are, therefore, still valid.

B. Degradation of Air Quality

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

C. Generation of Noise

Because the proposed use is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. The project will not create additional significant effects, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in an agricultural portion of Modesto and Stanislaus County. The project is consistant with the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The proposed project will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located within agricultural lands, however it is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV- 10-8) are still valid.

K. Increased Demand for Parks and Open Space

The proposed roadway will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are therefore still valid.

L. Increased Demand for Schools

The proposed roadway will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are therefore still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are therefore still valid.

O. Generation of Solid Waste

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

P. **Generation of Hazardous Materials**

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

Q. **Landslides and Seismic Activity**

This use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV- 1-11) are therefore still valid.

R. **Energy**

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

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Pelandale Avenue and Prescott Road Extensions are within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Developed Area, including roadways in this area.

B. No additional significant environmental effects will occur as a result of the Pelandale Avenue and Prescott Road Extensions, that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed Pelandale Avenue and Prescott Road Extensions, that were not previously considered in the General Plan Master EIR.

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

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

Signature:

Dean Phillips,
Associate Civil Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-460

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "96/97 ANNUAL SEWER REHABILITATION" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled 96/97 Annual Sewer Rehabilitation, has been completed by Soares Underground Construction, in accordance with the contract agreement dated February 3, 1998.

NOW, THEREFORE, BE IT RESOLVED that the 96/97 Annual Sewer Rehabilitation be accepted from said contractor, Soares Underground Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $228,468.60 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-461

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HDR INC. TO CONDUCT AN ASSESSMENT OF THE CITY'S CURRENT AND LONG TERM SOLID WASTE MANAGEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and HDR Inc. to conduct an assessment of the City's current and long term solid waste management program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-462

Print

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

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

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

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

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

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

Geographic Information Systems Coordinator

Airport Operations and Maintenance Supervisor

Equal Opportunity Officer

The job specifications for the classification of Geographic Information Systems Coordinator (Range 434), as shown on the attached Exhibit "A", Airport Operations and Maintenance Supervisor (Range 428), as shown on the attached Exhibit "B", and Equal Opportunity Officer (Range 431), as shown on the attached Exhibit "C", which are hereby

made a part of this resolution by reference, are hereby approved and made a part of this Position Classification Plan of the City of Modesto.

SECTION 2. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Senior Equipment Operator

The job specification for the classification of Senior Equipment Operator (Range 120), as shown on the attached Exhibit "D", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. CLASSIFICATIONS ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Storm Water Inspector

Engineering Systems Manager

Affirmative Action Officer

Airport Maintenance Supervisor

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after September 1, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
No. 3704

AUGUST, 1998

GEOGRAPHIC INFORMATION SYSTEMS COORDINATOR

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 and administer the work of the Geographic Information Systems (GIS) program; to design databases and procedures required to support GIS applications; to plan production steps for GIS applications and to act as the chief liaison between the system and its users.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the Information Services Manager.

May exercise functional and technical supervision over assigned staff.

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

Essential Functions:

Develop, direct, and coordinate the implementation of goals, objectives, policies, procedures, standards and work programs for the City-wide GIS program.

Assist in budget preparation; participate in the forecast of additional funds needed for staffing, equipment, materials and supplies; administer the approved budget.

Conduct a needs assessment for City-wide GIS; prepare Request for Proposals (RFP) for GIS functions and services.

Establish and maintain partnerships with other outside agencies for the exchange of data, ideas, and programming.

Conduct analytical studies; develop and review reports of findings, alternatives and recommendations; prepare a variety of reports regarding program activities.

Confer with City management regarding GIS services requested and delivered; develop long and short range GIS program and implementation plans, including hardware and software upgrades.

EXHIBIT A

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS (Continued)

Essential Functions:

Resolve service complaints received from user departments and implement corrective action; monitor operating condition of City's GIS computer equipment to assure efficiency.

Receive and prioritize requests for GIS computer applications development and oversee the development and implementation process.

Direct GIS computer operations, including data control and data entry activities; coordinate the acquisition of personal computers and software for individual department use.

May participate in the selection of staff; provide or coordinate staff training; may supervise, evaluate and coach assigned staff including maintaining discipline.

Monitor developments and legislation related to information systems matters; evaluates this impact upon City operations and recommend and implement equipment, policy, and procedural improvements.

Participate on various City management teams; represent the City in meetings with representatives of manufacturers, vendors, professional and business organizations and other government agencies.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, practices, and techniques of GIS management including applications design, system analysis, data base management; and hardware and software options for geographic and land-oriented applications.

General operating principles and parameters of client server systems and personal computers used by the City.

Administrative principles and methods, including goal setting, program development and implementation.

QUALIFICATIONS (Continued)

Knowledge of:

Research techniques, methods and procedures.

Principles and practices of supervision, training and personnel management.

Ability to:

Plan, organize, administer, review, and evaluate City-wide GIS development, programming, and computer operations activities including data entry and control functions.

Develop, implement, and interpret goals, objectives, policies, procedures, standards, work programs and internal controls.

Analyze complex problems, evaluate alternatives, and make creative recommendations.

Assess GIS user department needs, set priorities, and meet such needs in a timely and effective manner.

Exercise sound independent judgement within policy guidelines.

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

Represent the City effectively in meetings with other businesses or agencies.

Prepare clear, concise and complete reports, correspondence, and other written material.

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 experience involving the operation, maintenance, and implementation of automated mapping and/or GIS systems. Experience with systems such as ESRI's ArcInfo, ArcView, and MapObjects is desirable.

Experience and Training Guidelines (Continued)

Education:

Equivalent to graduation from an accredited four year college or university with major coursework in computer science, engineering, public administration, geography or a closely related field.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for viewing a computer screen and sitting for prolonged periods of time.

CITY OF MODESTO
NO. 2790

AUGUST, 1998

AIRPORT OPERATIONS AND MAINTENANCE SUPERVISOR

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

DEFINITION

To plan, organize, supervise, and review the work of employees engaged in the maintenance of the airport, and as necessary, complete needed maintenance; to handle some day-to-day operational activities, to assist airport Manager with monitoring and implementing airport services, to assist in the preparation and management of the annual budget, and to perform a variety of technical tasks relative to assigned area of responsibility.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Airport manager.

Exercises direct supervision over maintenance staff in assigned area.

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

Essential Functions:

Plan, prioritize, assign, supervise and review the work of staff involved in maintenance activities related to airfield, buildings and grounds, as well as the security at the City airport.

Recommends and enforces airport system rules and regulations.

Assist in determining and recommending maintenance and construction needs; coordinate operational activities with the Airport Manager.

Attend planning and preconstruction conferences.

Prepare and submit equipment and short-term capital project needs, recommendations, and estimate the cost.

Prepare and answer correspondence; provide airport facility information on request.

EXHIBIT B

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Continued

Essential functions:

Coordinate and supervise FAA airport security and certification program; review and inspect airport safety and security operations to ensure compliance with local, state and federal requirements.

Plan, conduct and coordinate the airport Storm Water Pollution Prevention Plan.

Participate in budget preparation and administration; prepare cost estimates for budget recommendations; submit justifications for budget items; monitor and control expenditures.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; prepare various operation and activity reports.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies; evaluate staff; implement discipline procedures.
Act as liaison with Fire Department involving Aircraft Firefighting and Rescue activities.

Maintain airport activity records.

Compile information for duties and reports.

Assume the duties of the Airport Manager in his absence and share emergency week-end and holiday call duty with the Airport Manager.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern office procedures, methods and computer equipment.

Business letter writing and basic report preparation.

QUALIFICATIONS (Continued)

Knowledge of:

Principles of supervision, training and performance evaluation.

Principles and procedures of record keeping.

Material, equipment and practices of maintenance and repair of buildings, airports, runways and aprons including pavement and airfield electrical systems.

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

Communication procedures on maintenance and ground control radios, and understanding of aviation industry terminology.

Various operational activities within the airport system.

Ability to:

Supervise, train and evaluate assigned staff.

Operate computer systems, radios, and small and large ground maintenance equipment.

Order and maintain adequate level of maintenance materials and supplies.

Provide excellent customer service to both internal and external customers.

Coordinate and supervise the work of subordinate personnel.

Exercise mature judgment and make sound decisions.

Read plans and specifications.

Communicate clearly and concisely, both orally and in writing.

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

Experience and Training Guidelines

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

Experience:

Three years progressively responsible experience in airport operations and maintenance in a non-hub or larger general aviation airport involving daily public contact.

Training:

Equivalent to an Associate of Arts degree with major coursework in business Administration, aviation, or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Airport environment; travel from site to site; exposure to noise, dust, grease, smoke, fumes, gases, active aircraft operations, and inclement weather conditions.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, standing or sitting for prolonged periods of time; operating motorized equipment and vehicles.

CITY OF MODESTO
No. 3716

AUGUST, 1998

EQUAL OPPORTUNITY OFFICER

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 develop, implement, and coordinate the City's Equal Opportunity Program; ensure City compliance with all relevant laws and policies; and perform other related duties as required.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from department head.

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

Essential Functions:

Administer the City's Equal Opportunity Programs, which include EEO (Equal Employment Opportunity) compliance, ADA compliance, contractor compliance and related programs and systems; monitor program compliance and produce required reports; manage the automation of program data; develop and recommend City rules and regulations relating to affirmative action and equal opportunity; provide consultation, education and training programs on equal opportunity issues and policies to city staff.

Investigate and facilitate the resolution of discrimination and harassment complaints and develop procedures which create a non-discriminatory work environment.

Provide staff support to the Equal Opportunity/Disability Commission.

Plan and participate in recruitment outreach, particularly when underutilization is a concern; coordinate with departments on equal opportunity issues; monitor equal opportunity program progress.

Monitor personnel actions and activities (e.g. recruitments, appointments, promotions, retentions, and terminations) for equal opportunity purposes; oversee the development of special employment programs.

Monitor legislation and litigation.

Serve as the City's representative to Stanislaus County Mayor's Committee for the Employment of Persons with Disabilities.

EXHIBIT C

EXAMPLES OF DUTIES (Continued)

Make oral presentations before community groups and City officials.

Serve as the City's advocate in equal employment matters.

Interact closely with City officials, staff, citizens, and community organizations.

Apply specialized knowledge and judgment in recommending actions to be taken on complex, technical, and sensitive issues.

Conduct audits or classification studies for purposes of validating job standards, removal of artificial barriers or the development of specialized classifications.

Participate in recruitments in furtherance of equal opportunity goals; perform test development activities and adverse impact analyses; coordinate and administer examinations; respond to recruitment or examination complaints.

Act as liaison to the community, professional organizations, and educational institutions, and respond to requests for information on job opportunities, professional development, and work-study programs.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Pertinent Federal, State and local laws, court decision, and administrative guidelines relating to affirmative action and equal employment opportunity.

Principles and practices of analysis and statistical methodology.

Principles and practices of organization, administration and personnel management.

Technical writing styles and English composition fundamentals.

Ability to:

Provide effective program development and implementation in the area of affirmative action and equal opportunity.

QUALIFICATIONS (Continued)

Ability to:

Maintain the City's compliance with all reporting and other requirements.

Develop and maintain harmonious working relationships with contractors, enforcement agencies, and community organizations; interact effectively with personnel at all levels.

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

Work with and control sensitive and confidential information; provide appropriate sensitivity to multi-cultural issues.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

Experience:

Two years of increasingly responsible experience in equal opportunity, affirmative action, personnel, public administration, or human resources programs.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in social science, public administration, business administration, industrial relations, human resources management, or a related field.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time and viewing a computer screen.

CITY OF MODESTO
NO. 6313

AUGUST, 1988

SENIOR EQUIPMENT OPERATOR

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 operate the most difficult and complex heavy construction, maintenance and transportation equipment in a variety of maintenance activities including excavating, grading, trenching, loading and related operations according to required standards; and to perform semi-skilled and skilled maintenance tasks.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises functional and technical supervision over lower level maintenance staff.

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

Essential Functions:

Operate heavy construction equipment such as backhoes, motor graders, large front-end loaders, and cranes for a variety of construction operations involving streets, drainage systems, water lines, sidewalks, curbs and gutters.

May provide lead supervision to a small crew of lower level maintenance staff.

Break out and load asphalt and concrete onto large dump trucks.

Grade and crown City streets, roads and alleys using a motor grader; roll asphalt.

Identify equipment needs for each assigned project.

Perform minor repairs on equipment and report the need for major repairs; check and adjust fluid level; grease and lubricate moving parts as required.

EXHIBIT D

Essential and Marginal Function Statements - (Continued)

Essential Duties:

Perform additional construction and maintenance tasks such as concrete work, truck driving, asphalt spreading, jackhammering and a variety of repair activities when equipment is not in use.

Provide training to lower level staff in the operation.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Operation and maintenance requirements of trucks and heavy power-driven equipment.

Practices, methods, and materials used in construction and maintenance work.

Traffic laws, ordinances, and rules involved in truck and heavy equipment operations.

Safe work practices; working in and around open trenches.

Traffic control on construction sites.

Principles of personnel supervision and training.

Ability to:

Operate a variety of complex heavy power-driven equipment.

Locate utilities and be familiar with Underground Service Alert (U.S.A.) procedures.

Perform a variety of semi-skilled and skilled construction and maintenance tasks.

Load equipment on tractors for transport.

Learn the geography and street system of the City.

QUALIFICATIONS - (CONTINUED)

Ability to:

Read blue prints; participate in construction meetings.

Perform maintenance on assigned equipment in an efficient, safe manner.

Understand and follow oral and written instructions.

Work independently or in a crew situation, as assigned.

Set up and work in construction sites at night, in adverse weather, or in emergencies.

Supervise and train lower-level maintenance staff.

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

Occasionally lift up to 100 pounds.

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 maintenance work involving the operation of heavy construction equipment.

Training:

Formal or informal education or training which ensures the ability to read and write at a level necessary for successful job performance.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS:

Environmental Conditions:

Field environment; travel from site to site; exposure to noise, dust grease, smoke, fumes, gases, water and wastewater, and inclement weather conditions.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for heavy or moderate or light lifting, bending, stooping, kneeling, crawling, walking, climbing, standing or sitting for prolonged periods of time; operating motorized equipment and vehicles.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-462A

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE TABLE TO DELETE STORM WATER INSPECTOR (RANGE 117).

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table General Non-Sworn Classes Effective September 1, 1998", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" deletes class specification for Storm Water Inspector (Range 117).

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 1, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective September 1, 1998

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

116	Equipment Operator Fire Prevention Technician I Motor Sweeper Operator Traffic Technician Traffic Painter Traffic Sign Worker Wastewater Collection System Operator Water Distribution System Operator
117	Electrical Technician II
118	Fleet Procurement Specialist Senior Storeskeeper Parking Lot Maintenance Crewleader Parks Crewleader Tree Trimmer
119	Maintenance Mechanic - Parks Planning Technician II Maintenance Mechanic - Pumps Wastewater Treatment Plant Operator Civil Engineering Technician I Building Maintenance Mechanic Police Administrative Assistant Public Information Technician Code Enforcement Officer II Community Service Officer II Assistant Buyer
120	Welder/Fabricator Senior Equipment Operator Fire Prevention Technician II Equipment Mechanic Assistant Electrician Traffic Painter Crewleader Accountant I Meter Reader Crewleader Laboratory Analyst I
121	Wastewater Treatment Plant Relief Operator

122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. Crewleader - Parks
124	Plant Mechanic Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader Community Development Program Specialist I Wastewater Collection System Crewleader Laboratory Analyst II
125	Crime Analyst Sr. Wastewater Treatment Plant Operator
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Material Program Coordinator
131	Sr. Civil Engineering Asst.

132

133

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

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-463

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 98-258 ENTITLED "A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NO. 97-375."

WHEREAS, by Resolution No. 98-258, effective June 23, 1998, the City Council granted salary and benefit changes to Management And Confidential Employees, Including Council Appointees, and now wishes to further amend Exhibit "A" of Resolution No. 98-258,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 98-258 Exhibit "A" of Resolution No. 98-258 entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 23, 1998", is hereby amended as shown on the amended Exhibit "A" entitled "City Of Modesto Class Range Table Management And Confidential Non-Sworn Classes, Effective September 1, 1998", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Geographic Information Systems Coordinator (Range 434), Equal Opportunity Officer (Range 431), and Airport Operations and Maintenance Supervisor (Range 428) to the Class Range Table, and deletes Engineering Systems Manager (Range 434), Affirmative Action Officer (Range 431), and Airport Maintenance Supervisor (Range 428) from the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after September 1, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

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

Effective September 1, 1998

RANGE	TITLE
403	Administrative Clerk I (Confidential)
404	
405	
406	
407	Administrative Clerk II (Confidential)
408	
409	
410	
411	Microfilm Services Supervisor
412	
413	Senior Personnel Clerk Administrative Technician (Confidential)
414	
415	Secretary
416	
417	
418	Legal Secretary
419	Public Information Technician (Confidential) Police Training and Records Technician (Confidential)
420	Accountant I (Confidential) Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Systems Technician Workers' Compensation Claims Examiner I

EXHIBIT A

421	
422	Office Supervisor
423	Custodian Supervisor Police Support Services Supervisor
424	Assistant Planner Asst. City Clerk/Auditor Buyer Workers' Compensation Claims Examiner II
425	Administrative Analyst I Executive Assistant
426	Stores Manager
427	Events Supervisor Legal Services Administrator
428	Parks Maintenance Supervisor Trees Maintenance Supervisor Senior Buyer Accountant II Budget Analyst Public Works Supervisor Building Maintenance Supervisor Customer Services Specialist Customer Services Supervisor Fleet Maintenance Supervisor **Airport Operations and Maintenance Supervisor**
429	
430	Associate Planner Junior Civil Engineer Junior Traffic Engineer Neighborhood Preservation Supervisor Senior Crime Analyst Social Services Program Supervisor
431	Administrative Analyst II Personnel Analyst Assistant Risk Manager Recycling Program Coordinator Senior Budget Analyst Senior Community Development Program Specialist Systems Analyst **Equal Opportunity Officer**

432	Plant Mechanic Supervisor Recreation Supervisor II Senior Accountant Youth Program Supervisor Industrial Waste Supervisor
433	Organizational Development Specialist Laboratory Manager
434	Senior Programmer Analyst Electrical Supervisor Sr. Housing Rehab. Specialist Secondary Treatment Site Supv. Operations Supervisor Arborist Land Surveyor Equipment Maintenance Supervisor II Assistant Civil Engineer Assistant Traffic Engineer **Geographic Information Systems Coordinator**
435	Management Analyst Senior Personnel Analyst Administrative Services Officer Integrated Waste Specialist Business Analyst Cultural Services Manager
436	Senior Planner
437	Deputy City Attorney I
438	Asst. Water Quality Control Supt. Transportation Planner Housing Program Supervisor Parks Planning and Development Manager Communications and Marketing Manager Property Agent Budget Officer Financial/Investment Officer Systems Engineer Development and Operations Coordinator
439	
440	Purchasing Officer Associate Civil Engineer Associate Traffic Engineer

441	Airport Manager
	Solid Waste Program Manager
	Transit Manager
	Streets Superintendent
	Parks Operations Superintendent
	Risk Manager
	Assistant Personnel Director
	Recreation Superintendent
	Fleet Manager
	Urban Forestry Superintendent
	Wastewater Collections Superintendent
	Water Superintendent
	Building Maintenance Superintendent
	Police Records Manager
	Fire Marshal
	Golf Services Manager
	Deputy City Attorney II
442	Supv. Building Inspector
	Supv. Construction Inspector
	Manager of Budget and Financial Analysis
	Information Services Manager
443	Deputy Chief Bldg. Official
	Sr. Deputy City Attorney I
444	General Services Manager
	Principal Planner
445	Customer Services Division Manager
	Accounting Division Manager
	Housing and Neighborhoods Division Manager
446	Water Quality Control Superintendent
447	Chief Building Official
	Assistant to City Manager
	Asst. Parks & Recreation Dir. - Civic Center
	Asst. Parks & Recreation Dir. - Parks
	Asst. Parks & Recreation Dir. - Recreation
	Business Development Division Manager
	Development Services Division Manager
	Strategic Planning Division Manager
	Senior Civil Engineer
	Traffic Engineer

448

449 Sr. Deputy City Attorney II

450

451

452 Deputy Director - Engineering & Transportation
Deputy Director - Utilities

453 Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-464

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO MOVE SALARY AND BENEFIT FUNDS FOR THE NEWLY CREATED POSITION OF GEOGRAPHIC INFORMATION SYSTEMS COORDINATOR

WHEREAS, representatives from Engineering & Transportation, Personnel and Finance Departments coordinated the reinvention of the former classification of Engineering Systems Manager; and

WHEREAS, this newly created position will be assigned to the Information Services Division of the Finance Department; and

WHEREAS, funds for this position need to be moved from Organization #4112 to Organization #1242, and equally funded by the General, Water and Wastewater funds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated on Attachment A.

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 1st day of September 1998 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Attachment A

Expenditures – Fund #010	
#010-410-4112-0110 Salaries	$(55,827)
#010-410-4112-0188 Benefits	$(12,116)
#010-780-7000-7713 Transfer out to Fund 713	$ 22,647
Revenue – Fund #010	
#010-410-4112-9990 Service Credits	$(45,296)
Expenditures – Fund #713	
#713-120-1242-0110 Salaries	$ 55,827
#713-120-1242-0188 Benefits	$ 12,116
Revenue – Fund #713	
#713-700-7000-9010 Transfer in from Fund 010	$ 22,647
#713-700-7000-9610 Transfer in from Fund 610	$ 22,648
#713-700-7000-9621 Transfer in from Fund 621	$ 22,648
Expenditures – Fund #610	
#610-440-5015-0255 City Forces	$(22,648)
#610-700-7000-7713 Transfer Out to Fund 713	$ 22,648
Expenditures – Fund #621	
#621-440-5201-0255 City Forces	$(22,648)
#621-700-7000-7621 Transfer out to Fund 713	$ 22,648

MODESTO CITY COUNCIL
RESOLUTION NO. 98-465

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT AND MODESTO JUNIOR COLLEGE FOR PARTICIPATING IN THE SUBSIDIZED FEDERAL WORK STUDY PROGRAM FOR THE 1998-99 AUGUST TO MAY ACADEMIC YEAR

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Community college District and Modesto Junior College for participating in the subsidized Federal Work Study Program for the 1998-99 August to May academic year be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

10

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-466

A RESOLUTION WAIVING ZONING APPLICATION FEES IN THE EVENT THE MACERICH AND COSTA CINEMA PROJECTS ARE RESUBMITTED WITHIN ONE YEAR.

WHEREAS, by Resolution No. 98-439 adopted by the City Council on August 18, 1998, the Council denied the proposed Macerich Vintage Faire Limited Partnership project without prejudice for an amendment to Planned Development Zone, P-D(109), for a multi-screen theatre and restaurants at the Vintage Faire Mall, located on property on the east side of Sisk Road North of Standiford Avenue, and by Resolution No. 98-440 adopted by the City Council on August 18, 1998, the Council denied without prejudice the companion proposed development agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, LLC, and

WHEREAS, by Resolution No. 98-441 adopted by the City Council on August 18, 1998, the Council denied the proposed Costa Limited Partners project without prejudice for an amendment to rezone from Specific Plan Overlay, SP-O, Zone, to Planned Development Zone, P-D(530), for multi-screen theatre, hotel, restaurants, and retail uses, located on property on the north side of Pelandale Avenue east of Sisk Road, and by Resolution No. 98-442 adopted by the City Council on August 18, 1998, the Council denied without prejudice the companion proposed development agreement between the City of Modesto and Costa Limited Partners and Weststar Cinemas, Inc., and

WHEREAS, the action taken by the Council on August 18, 1998, "without prejudice" allows the above-described proponents to re-file applications without having to wait

a full year after denial by the Council, and

WHEREAS, filing fees are established by Council resolution to cover the actual costs of preparing, publishing and mailing notices, as well as to cover the costs of staff time in evaluatiing the proposals, however, the Council desires to waive filing fees should either of the above-mentioned proponents wish to resubmit their applications for the proposed cinema projects within the one year period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that zoning application filing fees are hereby waived for the *Macerich* and *Costa* proposed cinema projects as described above in the event that either of the proponents wish to resubmit zoning applications within the one year period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-467

A RESOLUTION APPOINTING CAROLYN FRASER AS THE HUMAN RELATIONS COMMISSION'S LIAISON TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION

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

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

SECTION 1. Carolyn Fraser is hereby appointed as the Human Relations Commission's liaison to the Equal Opportunity/Disability Commission with a term expiration of January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed Human Relations Commission liaison to the Equal Opportunity/Disability Commission, and the Secretaries thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-468

Print

A RESOLUTION APPOINTING ARNOLD NAIMARK AS THE HUMAN RELATIONS COMMISSION'S LIAISON TO THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. Arnold Naimark is hereby appointed as the Human Relations Commission's liaison to the Citizens Housing and Community Development Committee with a term expiration of January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed Human Relations Commission liaison to Citizens Housing and Community Development Committee, and the Secretaries thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of September, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-469

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF RISK MANAGEMENT INFORMATION SYSTEM SOFTWARE (RMIS)

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Risk Management Information System Software (RMIS) is hereby waived.

BE IT FURTHER RESOLVED that purchase of Risk Management Information System Software for a not to exceed price of $94,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-470

Print

A RESOLUTION ACCEPTING THE BID OF MONZINGO CONSTRUCTION FOR THE PROJECT TITLED "BUTTE AVENUE WATERLINE"

WHEREAS, the bids received for Butte Avenue Waterline were opened at 11:00 a.m. on August 25, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $92,574 from Monzingo Construction be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-471

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF MONIES TO FULLY FUND BUTTE AVENUE WATERLINE PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: Alley H2O Line - Alpine/Eureka, 610-480-C151 6040; $77,500
TO: Butte Waterline 6040; $77,500
and
FROM: Strenghten Water System, 610-440-K482 6040; $27,108.62
TO: Butte Waterline 6040; $27,108.62

Funds were not originally identified in the CIP document for this specific project. Transfer is needed to fully fund the project and for ease of project accounting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-472

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CHAMBER OF COMMERCE FOR PROVISION OF FUNDS TO THE CONVENTION AND VISITORS BUREAU FOR FISCAL YEAR 1998-99

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto Chamber of Commerce for provision of funds to the Convention and Visitors Bureau for Fiscal Year 1998-99 based on 13.33% of the Transient Occupancy Tax accrued for Fiscal Year 1998-99 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-473

A RESOLUTION AUTHORIZING THE SALE OF ONE (1) SURPLUS 1988 SUBURBAN (VIN #IGNGRZ6NJF105549) AT A PUBLIC AUCTION TO BE CONDUCTED BY ROGER ERNST AND ASSOCIATES ON OCTOBER 3, 1998, AT 824 W. KIERNAN AVENUE.

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

WHEREAS, the City possesses one (1) 1988 Suburban (Vin #IGNGRZ6NJF105549) which has been placed into surplus, and

WHEREAS, City staff has recommended that said property could best be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, October 3, 1998, at their facility located at 824 W. Kiernan Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that one (1) 1988 Suburban (Vin #IGNGRZ6NJF105549) has become surplus property to the City's needs and the Council does hereby authorize the sale of said surplus property.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, October 3, 1998, at 824 Kiernan Avenue, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in *The Modesto Bee*, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-474

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PAHRUMP HEIFER RANCH FOR THE LEASE OF THE HAILWOOD RANCH PROPERTY TO REMOVE LAND NEEDED FOR A TRAINING FACILITY FOR THE POLICE DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Pahrump Heifer Ranch for the lease of the Hailwood Ranch Property to remove land needed for a training facility for the Police Department be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to an agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-475

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HASKELL AND INEZ N. MEDDERS FOR THE ACQUISITION OF THE PROPERTY LOCATED AT 1710 HILLSIDE DRIVE FOR THE FLOOD PROTECTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Haskell and Inez N. Medders for the acquisition of the property located at 1710 Hillside Drive for the flood protection project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-476

Print

A RESOLUTION APPROVING A RELEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND BEVERLY A. CABRAL FOR THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the release agreement between the City of Modesto and Beverly A. Cabral for the parallel outfall project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said release agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-477

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE SYMPHONY PARK SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, ROBERT J. AND JOAN L. CARDOZA (husband and wife), JOHN R. AND ANNE L. PORTEOUS (husband and wife), and REDEV. INC., a California corporation, are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 18.51 acres, known as Symphony Park Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 18th day of November, 1996, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Symphony Park 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,

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of

said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-478

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND UNION PACIFIC RAILROAD FOR PHASE II RAILROAD AGREEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Union Pacific for Phase II Railroad agreement be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-479

Print

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FROM THE CALIFORNIA ENERGY COMMISSION UNDER THE PETROLEUM VIOLATION ESCROW ACCOUNT PROGRAM.

WHEREAS, the Community Services and Neighborhood Connections Department (CS&NC) submitted a grant application to the California Energy Commission for $200,000 in funding under the Petroleum Violation Escrow Account Program (PVEA) for new windows and new lighting at the Police Department main building, new HVAC at the Police Evidence and Property Facility, for replacement of the HVAC at the McHenry Museum and the addition of film coating to windows at the Maddux Youth Center, and

WHEREAS, the CS&NC Department has been notified that the above projects have been accepted by the State for funding, and in order for the State to proceed with awarding the funds, a Council resolution is required, and

WHEREAS, on September 8, 1998, the Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts $200,000 in grant funding from the California Energy Commission for the above projects.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee are hereby authorized to execute an agreement and other related documents in relation to the acceptance of said funding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-480

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $5,000 TO PROVIDE FUNDING FOR FIRST NIGHT

WHEREAS, First Night is a national organization that provides alcohol free events on New Year's Eve; and

WHEREAS, in order for the First Night Committee to proceed with plans, funding needs to be established.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Account #010-800-8000-8003	$(5,000)
Account #010-360-3622-1000	$5,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of September 1998 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-481

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF KATHLEEN A. MORGAN FROM THE SIGN IMPROVEMENT COMMITTEE, EFFECTIVE SEPTEMBER 8, 1998

WHEREAS, Kathleen A. Morgan was appointed a member of the Sign Improvement Committee on July 22, 1997 ; and

WHEREAS, Kathleen A. Morgan has tendered her resignation from the Sign Improvement Committee, effective September 8, 1998; and

WHEREAS, Kathleen A. Morgan has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of Kathleen A. Morgan from the Sign Improvement Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-482

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF LABOR AND SERVICES NECESSARY FOR EMERGENCY SEWER LINE REPAIR ON THE EMERALD TRUNK SEWER

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of labor and services necessary for emergency sewer line repair on the Emerald Trunk Sewer is hereby waived.

BE IT FURTHER RESOLVED that purchase of labor and services necessary for emergency sewer line repair on the Emerald Trunk Sewer for a not to exceed price of $400,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-483

Print

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

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

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

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

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

WHEREAS, the creation of Mello-Roos Community Facilities Districts, pursuant to the Act of 1982, Chapter 2.5 commencing with Section 53311 of Part 1 of Division 2 of Title 5 of the California Government Code, for the financing and completion of public works improvements has become an increasingly integral part of City planning for the creation of such improvements, and

WHEREAS, it has been determined to be financially prudent for the City to require a subdivision, for which a Community Facilities District ("CFD") is proposed or determined to provide the financing for at least some improvements, to actually form the subject CFD or annex to an existing CFD before its tentative subdivision map required by the California Subdivision Map Act is finally approved, and

WHEREAS, a tentative subdivision map may have its final approval conditioned upon satisfaction of a requirement imposed by City policy in existence at the time the subject map was deemed complete in accordance with the California Subdivision Map Act, and

WHEREAS, the District Administrator's outside engineering consultant has recommended that all subdivision agreements for subdivisions within Community Facilities Districts specify the creditable infrastructure or infrastructure segment percentages to be provided by the developer in detail, and

WHEREAS, it is fiscally prudent for the District Administrator and the City to have advance, detailed knowledge of proposed credit amounts associated with proposed creditable infrastructure or infrastructure segment percentages, and

WHEREAS, inclusion of a list of infrastructure segments required to be completed by the Facility Master Plan associated with the Specific Plan in which a subdivision is located, or other infrastructure specification, in future subdivision agreements along with proposed credit amounts would provide greater certainty to both the development community and the City with respect to exactly what would be required of each developer in each Community Facilities District, as well as the appropriate credit in each case, and

WHEREAS, an additional purpose for listing the infrastructure/infrastructure

segments and credits as above would be to provide an earlier opportunity for clarification of tax credit issues before irrevocable commitments have been made by either the affected developer or the District Administrator, and

WHEREAS, in order for the City's Community Facilities Districts to have sufficient cash on hand to provide necessary administration, its consultants have advised it that tax credits be limited to provide for an uncreditable sum in order to compensate the City for the cost of staff time, consultant costs and indirect costs of administration, and

WHEREAS, the City's Community Facilities Districts Policies & Procedures already state that certain costs cannot be "credited" by developers against special facilities taxes because those costs are reimbursable, and

WHEREAS, it is necessary that a portion of the Community Facilities District's one-time special tax required to be paid on each lot in each subdivision be paid in cash, yielding a positive cash flow, and

WHEREAS, it has been determined that the "contingency" portion of a facility segment estimated cost/credit should be "uncreditable" in order to recoup the City's "sunk" planning and engineering costs, administrative costs, consultant costs and other indirect costs, and

WHEREAS, with respect to the Village One Community Facilities District No. 1996-1, it has been determined that of the 25% contingency portion of the facilities segment credit, 10.5% of the contingency portion of the facilities segment credit should be "uncreditable", and

WHEREAS, it has been determined that a similar, appropriate portion of each contingency amount attributable to facilities costs in future Community Facilities Districts should

also be "uncreditable" to provide immediate cash reserves for the aforementioned costs,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that its "Policies and Procedures" relating to the implementation of its Specific Plans, and relating to Mello-Roos Community Facilities Districts be revised or amended as set forth below.

BE IT FURTHER RESOLVED that on and after December 1, 1998, Finance Plans created in conjunction with Specific Plans or other analogous Plans required by law for development shall require a determination whether or not a Community Facilities District shall be at least one means of financing infrastructure within the relevant Plan.

BE IT FURTHER RESOLVED that the City of Modesto's Director of Community Development shall, after consultation with the City's Director of Engineer & Transportation, and the City's District Administrator make the determination required within the next preceding paragraph.

BE IT FURTHER RESOLVED that where it has been determined that any infrastructure shall be acquired, constructed or maintained through Community Facilities District financing, it shall be the policy of the City of Modesto that each subdivision within such proposed or existing CFD shall have approval of its tentative subdivision map conditioned upon the creation of or annexation to such CFD, as appropriate, by that subdivision prior to final approval of its subdivision map.

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

1. That a new Paragraph 6 be added to read as follows:

6. District Administration

2. That a new Paragraph 6(a) be added to read as follows:

6(a) District Administration Requirement of Infrastructure/Credit Specification in Subdivision Agreements.

On or after December 1, 1998, it shall be City policy with respect to those subdivisions located within the boundaries of a proposed Community Facilities District, an existing Community Facilities District, or a proposed or existing annexation to a Community Facilities District that the subdivision agreement required by the City for each such subdivision specify the creditable infrastructure or infrastructure segment percentages to be provided by the Developer of that subdivision in detail, as well as proposed credit amounts associated with the subject infrastructure or infrastructure segment percentages. The infrastructure or infrastructure percentages shall be among those required to be completed by the Facility Master Plan or another similar infrastructure specification pertaining to the subdivision for which an agreement is sought.

3. That a new Paragraph 6(b) be added to read as follows:

6(b). District Administrator To Consult With Director Of Community Development Re Inclusion of Community Facilities Districts In Specific (Or Other) Plan Finance Plans.

When Specific or analogous Plans required by law for development are being prepared by the City, the City's Director of Community Development, after consultation with the City's Director of Engineering and Transportation and its District Administrator, shall determine whether or not a Community Facilities District shall be at least one means of financing infrastructure within any proposed Specific Plan on and after December 1, 1998, once the Director of Community Development has determined that a Community Facilities District shall be one means of financing such infrastructure, each subdivision within such a Plan shall have approval of its tentative subdivision map conditioned on the creation of or annexation to a Community Facilities District prior to final approval of its subdivision map, and the District Administrator shall assist the Director of Community

Development in ensuring enforcement of this policy.

4. That a new Paragraph 6(c) be added to read as follows:

6(c). Uncreditable Portion Of Contingency Estimates In Village One.

The District Administrator, in coordination with the City's Community Development Department, shall ensure that the contingency portion of each facility segment credit against the one-time facilities taxes otherwise due shall be uncreditable, and received in cash, in an amount equivalent to 10.5% of the 25% contingency portion of each such facility segment credit, so that Village One developers will receive a net credit of 14.5% with respect to the contingency portion of each such facility segment credit against the appropriate one-time facilities tax.

5. That a new Paragraph 6(d) be added to read as follows:

6(d). Uncreditable Portion Of Contingency Costs To Be Included In Future Community Facilities Districts.

The District Administrator, in coordination with the City's Community Development Department, shall insure that an uncreditable percentage of each future one-time facilities tax is incorporated into each of the City's future Community Facilities Districts by means of inclusion in the Public Report and in the Rate and Method of Apportionment of Taxes. In order to ensure that the City's sunk costs of planning and engineering, ongoing administration, indirect costs and consultant costs can be paid from cash on hand generated by this requirement, some portion of the estimated cost of each facility, facility segment, or unit cost of a facility shall be disallowed from presentation for credit against the special one-time facilities tax which would otherwise be due with respect to the provision of that facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Roland Stevens Asst.
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-484

Print

A RESOLUTION GRANTING AN EXEMPTION OF CAPITAL FACILITIES FEES TO JIM CLICK OF WESTNET PROPERTIES FOR A SIX-UNIT STUDIO APARTMENT LOCATED AT 830 SECOND STREET.

WHEREAS, by letter submitted on August 11, 1998, from Jim Click of Westnet Properties, a request was made for an exemption of Capital Facilities Fees (CFF) for six-very low-income apartment units located at 830 Second Street in the City of Modesto, which is part of a redevelopment proposal for the northeast corner of Martin Luther King Drive and Paradise Avenue, and

WHEREAS, this request for exemption of CFF is considered to be in conformance with the Council's policy which was adopted on January 13, 1998, to expand eligibility for CFF exemptions and deferrals to all affordable housing developers, following a public hearing, and

WHEREAS, said request was set for a public hearing of the City Council at 4:00 p.m. on September 8, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held on the proposed matter,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby grants an exemption to the Capital Facilities Fees (CFF) for six-very low-income apartment units located at 830 Second Street in the City of Modesto, which is part of a redevelopment proposal for the northeast corner of Martin Luther King Drive and Paradise

Avenue, as requested.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee are hereby authorized to execute a Capital Facilities Fees Exemption Agreement with Jim Click of Westnet Properties in relation to this matter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-485

A RESOLUTION GRANTING AN EXEMPTION OR DEFERRAL OF CAPITAL FACILITIES FEES TO SELF-HELP ENTERPRISES FOR LOW-INCOME HOUSING UNITS TO BE BUILT AT THE SOUTH SIDE OF BRIGGS AVENUE AT SEYBOLD AVENUE IN THE CITY OF MODESTO.

WHEREAS, by letter submitted on August 11, 1998, from Tom Collishaw of Self-Help Enterprises, a request was made for an exemption or deferral of Capital Facilities Fees (CFF) for 21 low-income houses located on the south side of Briggs Avenue at Seybold Avenue in the City of Modesto, and

WHEREAS, this request for exemption of CFF is considered to be in conformance with the Council's policy which was adopted on January 13, 1998, to expand eligibility for CFF exemptions and deferrals to all affordable housing developers, following a public hearing, and

WHEREAS, said request was set for a public hearing of the City Council at 4:00 p.m. on September 8, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held on the proposed matter,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby grants an exemption or deferral to the Capital Facilities Fees (CFF) for 21 low-income homes located on the south side of Briggs Avenue at Seybold Avenue, limited to households earning less than 80% of the Median Area Income (MAI) totaling $80,199, subject to the following provisions:

1. Homebuyers earning less than 55% of the MAI will be eligible for an exemption from CFF fees provided there is no resale of the property for a ten year period.

2. Households earning between 55-80% of the MAI will be granted a CFF deferral for five years. Payments of principal and interest would begin in year six, with no interest accruing during the deferral period. The CFF would be paid over a ten-year period at 5% interest on the unpaid balance.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee are hereby authorized to execute a Capital Facilities Fees Exemption Agreement with Self-Help Enterprises in relation to this matter.

BE IT FURTHER RESOLVED that the Council requests Self-Help Enterprises to make a presentation to the City Council at a future meeting in relation to the construction quality.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-486

Print

A RESOLUTION APPROVING BOWEN AVENUE TRAFFIC CALMING PLAN

WHEREAS, in response to residents' concerns about speeding and pedestrian safety on Bowen Avenue, a traffic-calming plan consisting of a series of devices along Bowen Avenue to slow down vehicles was created.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Bowen Avenue Traffic Calming Plan be, and it is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-487

A RESOLUTION ACCEPTING THE PROJECT TITLED "HIGHWAY VILLAGE SIDEWALK/CURB REPAIRS" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Highway Village Sidewalk/Curb Repairs, has been completed by K&D Enterprises Inc., in accordance with the contract agreement dated April 14, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Highway Village Sidewalk/Curb Repairs be accepted from said contractor, K&D Enterprises Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $71,048.68 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-488

Print

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE PROJECT TITLED "REHABILITATION OF SLUDGE DRYING BEDS AT WASTEWATER TREATMENT PLANT"

WHEREAS, the bids received for Rehabilitation of Sludge Drying Beds at Wastewater Treatment Plant were opened at 11:00 a.m. on June 2, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $278,852.00 from Teichert Construction be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $278,852.00 from Teichert Construction be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-489

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTIMATE NEW FEMA REVENUE ($195,965) AND RECOGNIZE PREVIOUSLY FEMA REVENUE ($87,454) AND APPROPRIATE A NEW CIP PROJECT

WHEREAS, the sludge drying beds at the Wastewater Treatment Plant were damaged during the Flood of 1997.

WHEREAS, this project will repair and upgrade the beds by receiving up to $283,418 in FEMA/State OES funding; and

WHEREAS, the City has already received and included in the contingency reserve $87,453 of FEMA and OEA funding.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

					Increase (Decrease)
Revenue					
621	800	8000	8170	FEMA	$195,965
Expenditures					
621	800	8000	8003	Wastewater Contingency Reserve	(87,453)
621	480	H832	6000	Wastewater Flood Restoration Project	(32,838)
621	440	K003	6000	Rehabilitation of Sludge Drying Beds	$316,256

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Cathy Brown
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-490

Print

A RESOLUTION DESIGNATING DESARROLLO LATINO-AMERICANO, INC., (DLA) AS A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) FOR MODESTO'S HOME PROGRAM.

WHEREAS, the City of Modesto receives an annual grant from HUD under the HOME Investment Partnerships Program (HOME), which regulations require that at least 15% of the annual grant allocation be reserved for housing to be developed, sponsored, or owned by Community Housing Development Organizations (CHDOs), and

WHEREAS, to receive a CHDO designation, an organization must be a legally recognized nonprofit, community-based service organization, committed to have the capacity to develop affordable housing in the community it serves, as well as a requirement that a minimum of one-third of its board be either low income, reside in low-income community, or be an elected representative of a low-income neighborhood organization, and

WHEREAS, the Desarrollo Latino-Americano, Inc., (DLA), meets the CHDO requirements and has applied for CHDO status, and

WHEREAS, City staff has reviewed DLA's application and has determined that the organization meets the basic HOME CHDO requirements, however, if DLA is approved, staff will require independent financial audits in accordance with OMB Circular A-110, and

WHEREAS, said matter was considered by the Council at its meeting of September 15, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Desarrollo Latino-Americano, Inc., (DLA), is hereby designated as a Community Housing Development Organization (CHDO) for Modesto's HOME program.

BE IT FURTHER RESOLVED that independent financial audits are hereby required in accordance with OMB Circular A-110.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahn
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-491

A RESOLUTION APPROVING THE WOODLAND NEIGHBORHOOD PARK MASTER PLAN AND FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017).

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, the Community Services and Neighborhood Connections Department, by Initial Study, EA/CS 9810, dated September 4, 1998, reviewed the proposed Woodland Neighborhood Park, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on September 15, 1998, the City Council considered approving the Woodland Neighborhood Park Master Plan and reviewed said Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Initial Study, EA/CS9810, dated September 4, 1998, prepared by the Community Services and Neighborhood Connections Department, for the proposed project, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit "A", and incorporated herein by

reference, makes the following findings:

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

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

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

4. There are no special features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Woodland Neighborhood Park Master Plan is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Services and Neighborhood Connections Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

WOODLAND NEIGHBORHOOD PARK

EA/CS 9810

City of Modesto
Initial Study

Woodland Neighborhood Park

E.A. No. EA/CS 9810
September 4, 1998

I. PURPOSE

Section 15177 of the CEQA Guidelines allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 15177 of the CEQA Guidelines, analyzes the following:

A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.

B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.

C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:

Woodland Neighborhood Park

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:

Fred Allen, Parks Planning and Development Manager, Community Services and Neighborhood Connections Department, (209) 577-5353

D. Project Location:

In the west area of Modesto on the south side of Torrid Avenue between Shasta and Yellowstone Avenues.

E. Project sponsor:

City of Modesto
Community Services and Neighborhood Connections Department
P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

The area proposed as the Woodland Neighborhood Park site is designated as R-Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

G. Zoning:

R-1 Residential

H. Description of Proposed Project:

This project will construct a seven-acre neighborhood park within the Woodland Neighborhood. The new park will replace the existing Woodland Neighborhood Park located adjacent to the Martone Elementary School site. This project will develop the park, including grading, paving, street improvements, underground utilities, landscaping, an irrigation system, a basketball court, a sand volleyball court, a restroom building, a softball field, informal picnic areas,play apparatus and lighting.

I. Surrounding land uses:

North: Single-family subdivisions, zoned R-1.
South: Single-family subdivisions, zoned R-1.
East: Single-family subdivisions, zoned R-1.
West: Single-family residences on large lots zoned A-2-10

J. Other public agencies whose approval is required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

This project proposes to construct a neighborhood park within an existing established neighborhood. There will be a less than significant impact to traffic congestion or increased vehicle trips because the park will be designed as a facility to be enjoyed by the surrounding neighborhood, not a destination that requires a vehicle trip. There will be no on-site parking and it is expected that most people will walk or bike to the park. An existing residential collector street that currently terminates just to the south of the park site will be extended north to Torrid Avenue with this project. This extension of Shasta Avenue is consistent with the General Plan and the General Plan Master EIR, which anticipated that this street would be completed. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

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

C. Generation of Noise

Because the proposed project is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. The project will not create additional significant noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The proposed project will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The project is located in an area that has an existing dry well system for storm drainage, and is not prone to flooding. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The project will be served by a catch basin and dry well type of collection system that will be adequate in size to serve this project, and will not have any significant impact on the demand for storm drainage. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are still valid.

K. Increased Demand for Parks and Open Space

Development of this park site is a requirement of adopted Mitigation measure A.1 on pages IV-11-10 and IV-11-11 of the Master EIR. This project will satisfy that requirement by making neighborhood park facilities available in accordance with all of the Open Space and Park policies and Neighborhood Park standards that apply to the Woodland Neighborhood. The demand for parks and open space will be met with the development of this park. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are therefore still valid.

L. Increased Demand for Schools

This commercial development will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are therefore still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are therefore still valid.

O. Generation of Solid Waste

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

P. Generation of Hazardous Materials

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

Q. Landslides and Seismic Activity

This use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid.

R. Energy

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

IV. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.

V. RECOMMENDED FINDINGS

A. No additional significant environmental effects will occur as a result of this project that were not previously examined in the General Plan Master EIR, because the MEIR assumed the development of this neighborhood park, and the traffic generated by this proposal is less than was analyzed in the MEIR.

B. No new additional mitigation measures or alternatives will be required as a result of this project that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR (SCH #92052017).

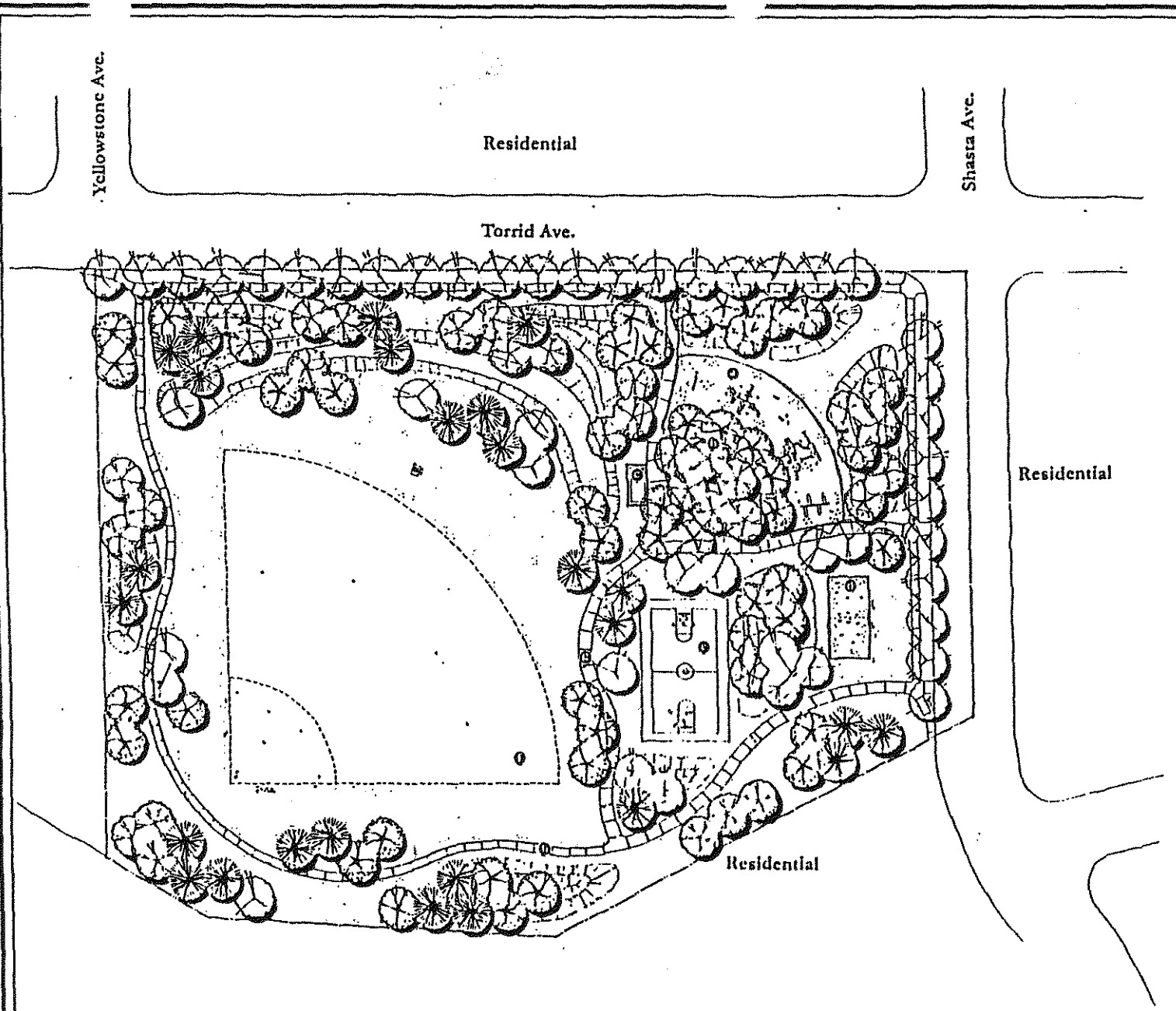
C. The Woodland Neighborhood Park Project is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.

D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

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

Signature: _____ Date: 9-8-98

Fred Allen, Parks Planning and Development Manager



Woodland Park
Final Park Plan
City of Modesto

Legend

- a. Sand Play Area
- b. Informal Picnic Area
- c. Restroom Building
- d. Sand Volleyball Court
- e. Full Basketball Court
- f. Softball Field
- g. 9' Vehicular Path
- h. 6' Pedestrian Path

- Accent Tree
- Grove Tree
- Canopy Tree
- Evergreen Tree

North
1" = 30'-0"

June 5, 1998

RRM DESIGN GROUP

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-492

A RESOLUTION APPROVING THE YOSEMITE NEIGHBORHOOD PARK MASTER PLAN AND FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017), AND RENAMING THE PARK TO CREEKWOOD NEIGHBORHOOD PARK.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, the Community Services and Neighborhood Connections Department, by Initial Study, EA/CS 9803, dated September 4, 1998, reviewed the proposed Yosemite Neighborhood Park, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on September 15, 1998, the City Council considered approving the Yosemite Neighborhood Park Master Plan, reviewed said Initial Study, and considered renaming the park to Creekwood Neighborhood Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Initial Study, EA/CS9803, dated September 4, 1998, prepared by the Community Services and Neighborhood Connections

Department, for the proposed project, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, makes the following findings:

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

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

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

4. There are no special features which are unique to the proposed project that require project specific mitigation measures. All the certified mitigation measures identified in the Master EIR will apply city-wide.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Yosemite Neighborhood Park Master Plan is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that City Council Policy No. 6.005 provides a procedure for selecting names for City Parks, and paragraph 3 of said policy provides an exception to the procedure, therefore, the Yosemite Neighborhood Park is hereby renamed the Creekwood Neighborhood Park.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the

Community Services and Neighborhood Connections Director is hereby authorized and directed to file a notice pursuant to either Section 21108 or Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

YOSEMITE NEIGHBORHOOD PARK

EA/CS 9803

RENAMED TO CREEKWOOD NEIGHBORHOOD PARK

City of Modesto
Initial Study

Yosemite Neighborhood Park

E.A. No. EA/CS 9803
September 4, 1998

I. PURPOSE

Section 15177 of the CEQA Guidelines allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 15177 of the CEQA Guidelines, analyzes the following:

A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.

B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.

C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:

Yosemite Neighborhood Park

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:

Fred Allen, Parks Planning and Development Manager, Community Services and Neighborhood Connections Department, (209) 577-5353

D. Project Location:

In the southeast area of Modesto on the west side of Creekwood Drivee between Mechalys Way and Ardia Avenue, adjacent to Hughes School.

E. Project sponsor:

City of Modesto
Community Services and Neighborhood Connections Department
P.O. Box 642, Modesto, CA 95353

F. General Plan Designation:

The area proposed as the Yosemite Neighborhood Park site is designated as R-Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

G. Zoning:

R-1 Residential

H. Description of Proposed Project:

This project will construct a five-acre neighborhood park within the Yosemite Neighborhood. This project will the park, including grading, paving, underground utilities, landscaping, an irrigation system, basketball half-courts, family picnic units, a group picnic facility, a children's play area with play apparatus, a skate area, a restroom building and lighting.

I. Surrounding land uses:

North: Single-family subdivisions, zoned R-1.
South: Single-family subdivisions, zoned R-1.
East: Single-family subdivisions, zoned R-1.
West: Hughes Elementary School and single-family residences, zoned R-1.

J. Other public agencies whose approval is required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

This project proposes to construct a neighborhood park within an existing established neighborhood. There will be a less than significant impact to traffic congestion or increased vehicle trips because the park will be designed as a facility to be enjoyed by the surrounding neighborhood, and will not be a destination that requires a vehicle trip. There will be no on-site parking and it is expected that most people will walk or bike to the park. The development of this park is consistent with the General Plan and the General Plan Master EIR, which anticipated that this existing vacant City Park site would be completed. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

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

C. Generation of Noise

Because the proposed project is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. The project will not create additional significant noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The proposed project will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The project is located in an area that has an existing dry well system for storm drainage, and is not prone to flooding. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The project will be served by a catch basin and dry well type of collection system that will be adequate in size to serve this project, and will not have any significant impact on the demand for storm drainage. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are still valid.

K. Increased Demand for Parks and Open Space

This project will provide neighborhood park facilities in accordance with all of the Open Space and Park policies and Neighborhood Park standards that apply to the Yosemite Neighborhood. The demand for parks and open space will be met with the development of this park. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are therefore still valid.

L. Increased Demand for Schools

This commercial development will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are therefore still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are therefore still valid.

O. Generation of Solid Waste

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

P. Generation of Hazardous Materials

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

Q. Landslides and Seismic Activity

This use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid.

R. Energy

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

IV. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.

V. RECOMMENDED FINDINGS

A. No additional significant environmental effects will occur as a result of this project that were not previously examined in the General Plan Master EIR, because the MEIR assumed the development of this neighborhood park, and the traffic generated by this proposal is less than was analyzed in the MEIR.

B. No new additional mitigation measures or alternatives will be required as a result of this project that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR (SCH #92052017).

C. The Yosemite Neighborhood Park Project is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.

D. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 21157.1).

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

Signature: _____ Date: 9-8-98

Fred Allen, Parks Planning and Development Manager

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-493

A RESOLUTION APPROVING DIRECT CITY ASSISTANCE FOR THE HOMELESS VETERANS STAND DOWN EVENT TO BE HELD AT THE THURMAN AND FAIRWAY SOCCERFIELDS ON OCTOBER 10 AND 11, 1998.

WHEREAS, the event committee for Homeless Veterans has requested direct City assistance for the Homeless Veterans Stand Down event to be held at Thurman and Fairway Soccerfields on October 10 and 11, 1998, and

WHEREAS, the event provides a variety of services, information and referral to local veterans, and

WHEREAS, the event committee has requested that the facility and equipment (PA system) fees be waived, that the City provide other services at no cost to the event, and that the sum of $2,000 in funding be provided toward expenses of the event, and

WHEREAS, the City Council, by Resolution No. 80-1066, as amended by Resolution No. 83-128, adopted a "Policy For Evaluating Requests For Direct City Assistance", and

WHEREAS, the Financial Policy Committee met on August 18, 1998, and recommended awarding the sum of $2,000 in grant funding toward the event and to provide other direct City assistance to the event, and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to the Homeless Veterans Stand Down event to be held at Thurman and Fairway Soccerfields on October 10 and 11, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of the event committee for the Homeless Veterans Stand Down event for direct City assistance in the amount of $2,000 in CDBG grant funding and other direct City assistance as needed for the event to be held at the Thurman and Fairway Soccerfields on October 10 and 11, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-494

Print

A RESOLUTION ACCEPTING THE BID OF PEARPOINT INC. FOR THE PURCHASE OF ONE NEW VAN WITH CLOSED CIRCUIT TELEVISION SYSTEM

WHEREAS, the bids received for one new van with closed circuit television system were opened at 11:00 on August 18, 1998, and later tabulated by the Purchasing Division of the Finance Department for the consideration of the Council; and

WHEREAS, the Purchasing Division of the Finance Department has recommended that the bid of Pearpoint Inc. for the amount of $131,058.90 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $131,058.90 from Pearpoint Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-495

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $90,500 FROM THE FLEET RESERVE ACCOUNT AND $40,558.90 FROM THE SEWER RESERVE ACCOUNT TO PURCHASE A NEW VAN

WHEREAS, the Fleet Services Division has requested a new van with a television system. The existing van is seventeen years old and the parts are very difficult to obtain; and

WHEREAS, the unit with diagnose problem areas within the sewer and storm drain liness and will be used for inspections of lines to check for compliance with the city's specifications prior to acceptance, after construction; and

WHEREAS, for Fiscal Year 1997-98, $90,500 was made available in Account #720-480-5814-50-30; however, these funds were not encumbered in Fiscal year 1997-98 and therefore funds were returned to the reserve account at the end of the fiscal year; and

WHEREAS, additional funds of $40,558.90 are needed for this purchase. The original estimate of $90,500 was obtained in Fiscal Year 1996-97 and since then, the price has increased and more specifications have been added.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Appropriations				
720	800	8000	8003	(90,500)
621	800	8000	8003	(40,559)
720	480	5814	5218	$131,059
Transfers				
720	700	7000	9621	$40,559
621	700	7000	7720	$40,559

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 15th day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)
APPROVED AS TO SUFFICIENCY:

By: Catherine B for
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-496

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "STANDIFORD AVENUE - ROAD CONSTRUCTION AND STORM DRAINAGE IMPROVEMENTS"

WHEREAS, the bids received for "Standiford Avenue - Road Construction and Storm Drainage Improvements" were opened at 11:00 a.m. on August 25, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of George Reed Inc. in the amount of $1,244,444.00 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-497

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $85,700 TO FULLY FUND THE PROJECT TITLED "STANDIFORD AVENUE - ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS"

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: Pavement Maintenance, 070-430-K156-6040
TO: Standiford Avenue, 070-430-J935-6040

Bids for the project were higher than the engineer's estimate. Specifically, the price bid for rockwell installation was approximately 33% higher than the engineer's estimate and higher than prices received for rockwells on recent projects. Transfer is needed to fully fund the project and for ease of project accounting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-498

Print

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS AND REQUESTING THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE VILLAGE ONE HIGH SCHOOL REORGANIZATION TO THE CITY OF MODESTO, LOCATED IN THE AREA NORTH OF THE SYLVAN AVENUE SPECIFIC PLAN AREA. (COUNCIL INITIATED - UNINHABITED).

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the Village One High School Reorganization to the City of Modesto, which is contiguous to the Modesto City limits, and

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and each subject agency, and

WHEREAS, there are no Williamson Act contracts within the annexation area, and

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

WHEREAS, said territory consists of 132.4 acres, as set forth on Exhibit "B", attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed is within the current Sphere

of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the proposed annexation area is covered by the Master Property Tax Sharing Agreement entered into between the City and the County, which was approved by Council Resolution No. 97-185, on April 8, 1997, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit "A" attached hereto, to the City of Modesto.

(b) The detachment of said territory from the Stanislaus Consolidated Fire Protection District.

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

WHEREAS, the reasons for this proposed Village One High School Reorganization to the City of Modesto are as follows:

The High School District now wishes to proceed with design and construction of the High School to serve the Village One community and beyond, and the District needs City services to do so, and

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

WHEREAS, the Community Development Department Director shall be the

chief petitioner,

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

1. That future development of this site shall be consistent with the Village One Specific Plan, adopted by the Council of the City of Modesto on October 16, 1990.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit "A", attached hereto, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

3. That the proposed Reorganization is part of the Village One Specific Plan area, and has received CEQA environmental review through a Program Environmental Impact Report ("EIR"), (SCH#90020181), which EIR was certified on September 11, 1990, by the adoption of Council Resolution No. 90-757, and, therefore, the City suggests that LAFCO, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the certified Final Program EIR in LAFCO's deliberations on this reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the

Village One High School Reorganization 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 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

WRITTEN DESCRIPTION

VILLAGE ONE HIGH SCHOOL REORGANIZATION

TO THE CITY OF MODESTO

All those portions of Sections 11 and 12, Township 3 South, Range 9 East, Mount Diable Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Commencing at the east one-quarter section corner of said Section 11; thence on the east line of said Section 11, North 0°04'19" East 50.03 feet to the north line of the Village One Reorganization to the City of Modesto, recorded June 1, 1992 as instrument number 050895, Stanislaus County Records and the POINT OF BEGINNING of this description; thence on said north line, North 89°54'47" West 25.00 feet to the southerly extension of the west line of Roselle Avenue; thence on said southerly extension and the west line of Roselle Avenue, North 0°21'34" West 630.78 feet to the easterly extension of the south line of Parcel A as shown in Book 3 of Parcel Maps, Page 87, Stanislaus County Records; thence on said easterly extension, North 89°48'35" West 5.00 feet to the east line of said Parcel A; thence on said east line, North 0°21'34" West 329.50 feet to the north line of said Parcel A, said point also being on the easterly extension of the south line of Parcel 2 as shown in Book 8 of Parcel Maps, Page 62, Stanislaus County Records; thence on said easterly extension, North 89°47'36" West 20.00 feet to the east line of said Parcel 2; thence on said east line, North 0°21'34" West 329.50 feet to the north line of said Parcel 2, said point also being on the south line of Parcel B as shown in Book 4 of Parcel Maps, Page 57, Stanislaus County Records; thence on said south line, South 89°46'34" East 20.00 feet to the east line of said Parcel B; thence on said east line and the east line of Parcel A of said Parcel Map, North 0°21'34" West 652.25 feet to the westerly extension of the north line of Parcel A as shown in Book 44 of Parcel Maps, Page 45, Stanislaus County Records; thence on said extension and the north line of said Parcel A, North 89°48'07" East 1350.37 feet to the northeast corner of said Parcel A; thence on the easterly extension of the north line of said Parcel A, North 89°48'07" East 1591.62 feet to the east line of 40.00 feet wide Litt Road (20.00 feet half-width); thence on said east line, South 0°20'26" East 1973.01 feet to the north line of Sylvan Avenue and the north line of the previously mentioned Village One Reorganization to the City of Modesto; thence on said north line, South 89°48'45" West 1592.43 feet to the southerly extension of the east line of Parcel C as shown in Book 4 of Parcel Maps, Page 143, Stanislaus County Records; thence on said southerly extension, North 0°19'50" West 30.00 feet to the southeast corner of said Parcel C; thence on the south line of Parcel C and Parcel B of said Parcel Map, South 89°48'45" West 1258.97 feet to the beginning of a 15.00 feet radius curve at the northeast corner of Roselle Avenue and Sylvan Avenue; thence North 89°54'47" West 59.96 feet to the point of beginning of this description.

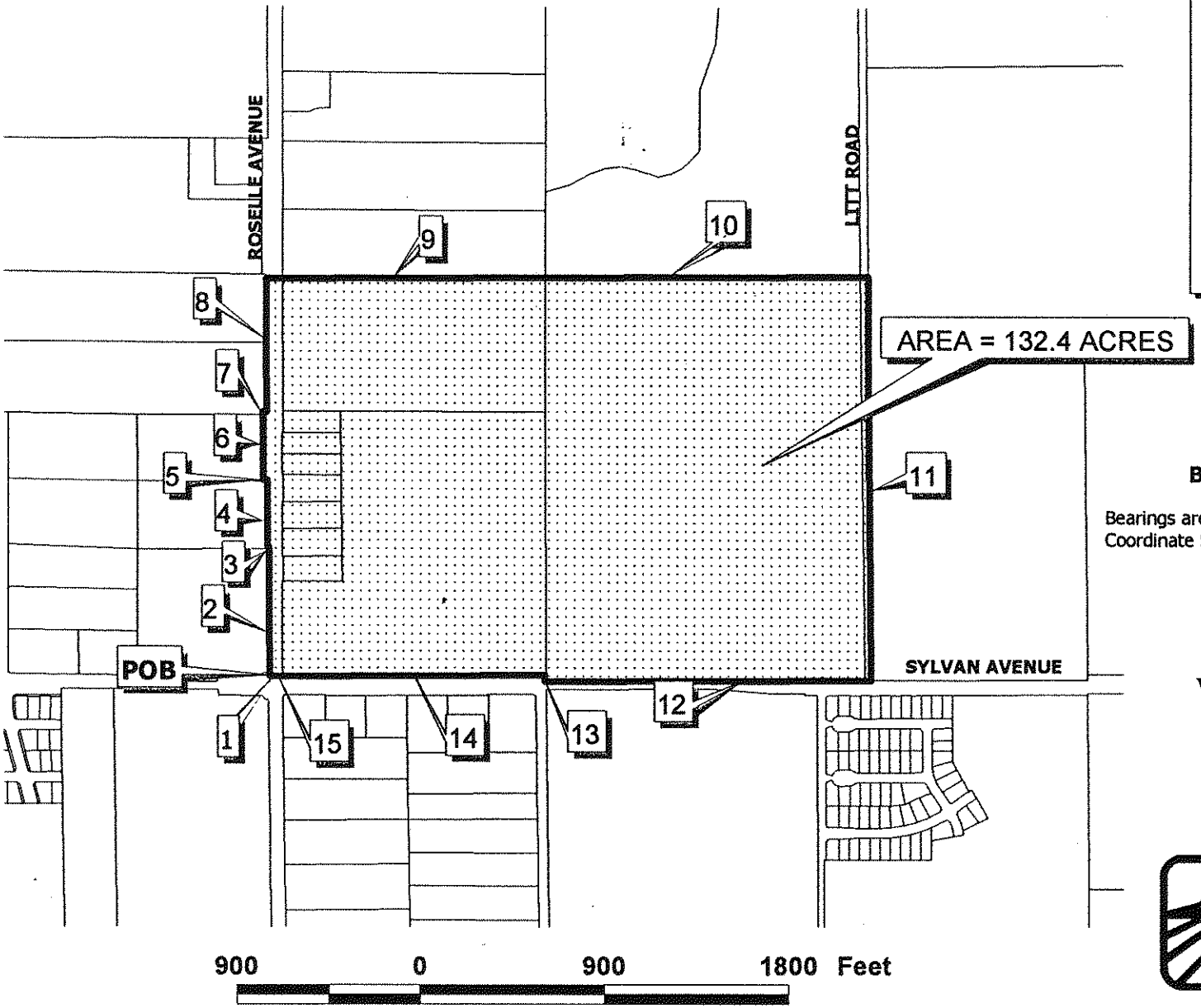
Containing 132.4 acres, more or less.

EXHIBIT "B"

ANNEXATION PROPOSAL MAP

VILLAGE ONE HIGH SCHOOL REORGANIZATION TO THE CITY OF MODESTO

1:	N 89 54 47 W	25.00
2:	N 00 21 34 W	630.78
3:	N 89 48 35 W	5.00
4:	N 00 21 34 W	329.50
5:	N 89 47 36 W	20.00
6:	N 00 21 34 W	329.50
7:	S 89 46 34 E	20.00
8:	N 00 21 34 W	652.25
9:	N 89 48 07 E	1350.37
10:	N 89 48 07 E	1591.62
11:	S 00 20 26 E	1973.01
12:	S 89 48 45 W	1592.43
13:	N 00 19 50 W	30.00
14:	S 89 48 45 W	1258.97
15:	N 89 54 47 W	59.96



BASIS OF BEARINGS:

Bearings are based on the California State Plane Coordinate System, Zone 3.

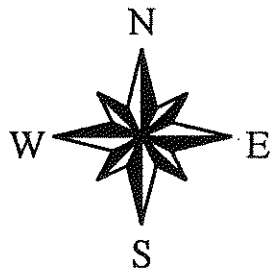




EXHIBIT "C"

VILLAGE ONE HIGH SCHOOL REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Village One High School Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Stanislaus Consolidated Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 7.

2. **Police Protection** - Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** - Service would be extended upon development of the area, at no cost to the City as existing City fees and developer financing will be sufficient to cover the cost.

5. **Water Service** - Service would be provided by the City of Modesto upon annexation.

6. **Streets** - Streets will be the responsibility of the developer and be integrated into the development of the project.

B. The Level and range of services:

The City of Modesto is a full-service provider of municipal services and would provide the full range of services for those areas listed above.

C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.

D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.

E. How will services be financed?

Services will be financed through a combination of developer fees, Mello Roos Community Facilities District and Enterprise Fund.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-499

Print

A RESOLUTION APPROVING A PROPERTY TAX SHARING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR THE PORTION OF THE COFFEE/CLARATINA REORGANIZATION NOT INCLUDED IN THE CITY/COUNTY MASTER PROPERTY TAX SHARING AGREEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the property tax sharing agreement between the City of Modesto and Stanislaus County for the portion of the Coffee/Claratina reorganization not included in the City/County master property tax sharing agreement be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-500

A RESOLUTION APPROVING DIRECT CITY ASSISTANCE REQUESTED BY BILL BARR OF FESTIVAL EVENTS FOR THE MODESTO PASTA FESTIVAL TO BE HELD AT THE TUOLUMNE RIVER REGIONAL PARK ON SEPTEMBER 26 AND 27, 1998.

WHEREAS, Bill Barr of Festival Events has requested direct City assistance for the Modesto Pasta Festival to be held at Tuolumne River Regional Park on September 26 and 27, 1998, and

WHEREAS, following last year's successful event, Bill Barr paid the City for services provided, including police and park personnel and facility use, as well as a per person charge, and

WHEREAS, the City's cost estimate from the Police Department for services for this year's event is approximately $4,500 higher than the amount billed for last year's event, and

WHEREAS, Bill Barr has requested that the same level of service be provided for the event at the same cost as last year, and

WHEREAS, in order to provide adequate police services at no additional cost to the Pasta Festival, additional funding is needed, and

WHEREAS, the City Council, by Resolution No. 80-1066, as amended by Resolution No. 83-128, adopted a "Policy For Evaluating Requests For Direct City Assistance", and

WHEREAS, the Financial Policy Committee met on September 15, 1998, and recommended providing direct City assistance for the event, and

WHEREAS, the Council deems it appropriate to grant approval for direct City assistance for the Modesto Pasta Festival to be held at Tuolumne River Regional Park on September 26 and 27, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of Bill Barr for direct City assistance for the Modesto Pasta Festival to be held at the Tuolumne River Regional Park on September 26 and 27, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	Friedman
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-500A

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE FUNDS FROM THE GENERAL FUND CONTINGENCY RESERVE FOR DIRECT CITY ASSISTANCE FOR THE MODESTO PASTA FESTIVAL

WHEREAS, this is the second year of the Modesto Pasta Festival. After the last successful event, Bill Barr of Festival Events, paid the City for services provided; and

WHEREAS, the cost estimate for Police Department services was approximately $4,500 higher than what was billed. Mr. Barr is requesting the same level of service to be provided at the same cost as last year.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Transfer From:	
#010-800-8000-8003	($4,500)
Transfer To:	
#010-190-1961-0130	$4,500

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 22nd day of September 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Smith, Serpa, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-501

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALLANDER ASSOCIATES FOR CONSULTANT SERVICES TO PROVIDE A MASTER PLAN, DESIGN DEVELOPMENT REPORT AND CONSTRUCTION DOCUMENTS FOR STOCKARD COFFEE NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Callander Associates for consultant services to provide a Master Plan, Design Development Report and Construction Documents for Stockard Coffee Neighborhood Park be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-502

A RESOLUTION ACCEPTING A $15,000 GRANT FROM THE UNITED STATES GOLF ASSOCIATION FOR THE JUNIOR GOLF PROGRAM.

WHEREAS, City staff has been notified that a grant application submitted to the United States Golf Association Foundation, Inc., (USGA), on behalf of the City of Modesto Junior Golf Program has been approved, and

WHEREAS, this one-year, $15,000 grant will provide funds for activities of the P.A.L. golf program, the Kids Fore Golf Program, and for the purchase of equipment for these two components of the City's Junior Golf Program, and

WHEREAS, funds will be held by the Greater Modesto Community Foundation in order to provide accountability and will be paid to FM Golf, Inc., as reimbursement for the cost of golf instructors, equipment and driving range fees and range balls, and to the City for green fees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the $15,000 grant offer from the United States Golf Association Foundation, Inc., (USGA), toward the activities of the P.A.L. golf program, the Kids Fore Golf Program, and for the purchase of equipment for these two components of the City's Junior Golf Program and approves the terms and conditions of the agreement.

BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City Manager, or his designee, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and submit all documents, including but not limited to amendments, payment requests and other documents which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-503

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RRM DESIGN GROUP FOR CONSULTANT SERVICES TO PROVIDE A MASTER PLAN, DESIGN DEVELOPMENT REPORT AND CONSTRUCTION DOCUMENTS FOR MARK TWAIN NEIGHBORHOOD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and RRM Design Group for consultant services to provide a Master Plan, Design Development Report and Construction Documents for Mark Twain Neighborhood Park be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-504

Print

A RESOLUTION ACCEPTING A GRANT OFFER FOR FEDERAL FUNDS TO COMPLETE THE AIRPORT'S FISCAL YEAR 1999 CAPITAL IMPROVEMENT PROJECTS.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) funds to complete needed airport capital improvement projects, and

WHEREAS, on March 24, 1998, the City Council approved a multi-year federal application for funds for the Modesto City-County Airport in the amount of $2,100,250, which was submitted to the Federal Aviation Administration (FAA), and

WHEREAS, the first year's estimate for the projects is $600,400 and consists of improvements to the airport's aircraft rescue and firefighting program and designing the construction of a general aviation roadway, and

WHEREAS, the first year's projects have already been approved in the airport's FY 99 capital improvement budget, and

WHEREAS, the FAA approved the City's application for funds and has provided the City with a federal grant in the amount requested for the first year's recommended projects in the sum of $600,400, and

WHEREAS, the FAA has notified City staff that acceptance of the grant dated September 3, 1998, must occur on or before September 30, 1998, and

WHEREAS, the FAA's approval is for 90% of the estimated cost of the projects, and

WHEREAS, the projects are included as part of the airport's future Passenger Facility Charge program (PFC), and

WHEREAS, it is anticipated the 10% match, or $66,712, will be covered by the PFC, and

WHEREAS, acceptance of the grant offer will obligate the City of Modesto to accomplish the projects described as AIP Project No. 3-06-0153-21,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the Federal Aviation Administration in the amount of $600,400 to complete the Airport's Fiscal Year 1999 capital improvements.

BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City Manager, or his designee, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is also authorized to execute and submit all documents, including but not limited to amendments, payment requests, and other documents which may be necessary regarding the aforementioned grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-505

Print

A RESOLUTION APPROVING THE CITY'S INVESTMENT POLICY NO. 1.019

WHEREAS, Government Code Section 53646 requires that local agencies annual adopt an investment policy.

WHEREAS, the current investment policy continues to meet the requirements of the Government Code.

NOW, THEREFORE, BE IT RESOLVED that the execution of Investment Policy No. 1.019 by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-506

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SKIP MCCABE FROM THE GOLF COURSE ADVISORY COMMITTEE, EFFECTIVE SEPTEMBER 22, 1998

WHEREAS, Skip McCabe was appointed a member of the Golf Course Advisory Committee on July 22, 1997; and

WHEREAS, Skip McCabe has tendered his resignation from the Golf Course Advisory Committee, effective September 22, 1998; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Skip McCabe from the Golf Course Advisory Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-507

RESCINDED
Print
1999-424
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

A RESOLUTION GRANTING APPROVAL FOR THE INTERNATIONAL FESTIVAL COMMITTEE TO CONDUCT AN INTERNATIONAL FESTIVAL IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS, AND RESCINDING RESOLUTION NO. 95-394

WHEREAS, the International Festival Committee (hereinafter referred to as the Committee) has filed a request with the City Council seeking approval of certain changes to the International Festival, an international and ethnic cultural event celebrating diversity in the community, and

WHEREAS, the City co-sponsors the International Festival held annually each October, and

WHEREAS, the Committee has requested the use of Graceada Park for the International Festival, which offers a variety of arts and crafts and food booths as well as entertainment, and

WHEREAS, the Committee has requested direct City assistance for the festival, and

WHEREAS, the Human Services Committee met on September 16, 1998, and recommended supporting the proposed festival changes, and

WHEREAS, the Council has considered the request for direct City assistance with the International Festival activities, and the Council deems it appropriate to grant approval of the changes and assistance to the Committee relating to said request, subject to certain conditions,

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

that it does hereby approve the following changes, subject to the conditions set forth, relating to the Committee's request for direct City assistance with the International Festival activities.

1. The Committee will conduct the International Festival on Saturday, the first weekend in October.

2. The event will be conducted from 9:00 a.m. to 10:00 p.m. on the designated day. Entertainment will be conducted from 10:00 a.m. to 9:30 p.m. on Saturday.

3. The City shall provide and set up the portable stage with awning at Graceada Park prior to 8:00 a.m. for entertainment and will remove said stage after 7:00 p.m. on the event day.

4. The City shall provide use of the portable PA system during the International Festival.

5. The City shall allow the Committee the use of amplified instrumentation at the event during designated event times at a volume not to disturb the adjoining neighborhoods.

6. The Committee shall be responsible for providing a technician for electrical services for the food booths, sound systems, and light systems.

7. The City shall provide litter removal from the park site during the event.

8. The Committee shall be responsible for removing any and all trash, garbage or refuse left on private property.

9. The City shall provide the cost of mailing up to 800 pieces of information, not to exceed $300.00.

10. The Committee shall adhere to all Alcoholic Beverage Control requirements, specifically that all alcoholic beverages shall remain within the enclosed "beer garden" sales area.

11. The Committee shall be responsible for providing portable toilets at the park site.

12. The City shall waive all fire inspection and business license fees; however, the Committee shall be responsible for any and all other fees as may be

required by other agencies.

13. The City shall provide 60 garbage cans and liners for the collection of garbage. Cans will be delivered on Friday, prior to the event and removed after the event on Sunday.

14. The Committee shall provide its own hired, licensed and insured 24-hour security for the beer garden as well as night time security.

15. The City will provide police assistance during the International Festival activities as deemed necessary by the Police Chief.

16. The City will provide barricades to be placed on the streets around the perimeter of Graceada Park to provide curb-side parking for the Committee during the event.

17. All public improvements shall be left in the same condition as existed prior to the Festival.

18. All private and public property used as a result of the Festival, either directly or indirectly, shall be left in a safe and non-hazardous condition. Any obstructions to public or private use shall be removed by the Committee not later than 9:00 p.m. on Sunday, after the event.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its International Festival:

1. That the City of Modesto shall indemnify and hold harmless the Committee from any and all liability, costs, damages, or injuries to persons or damage to property, which may arise out of or in any way be connected with the ordinary and customary condition of City property and facilities, or which may arise out the negligent acts or omissions of any officer, agent, or employee of the City of Modesto.

2. That the Committee shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the Committee's International Festival and the use of the City facilities for the Committee's International Festival.

3. That the Committee shall provide to the City Clerk current and valid certificate(s) of insurance that are in compliance with the City of Modesto Standard Insurance requirements. Such insurance, at a minimum, shall include Commercial General Liability coverage in a primary amount of not less than $1,000,000 per occurrence; include the City of Modesto, it's agents, officers, employees, and volunteers, as an additional insured; provide the City with ten days' written notice prior to cancellation, alternation or material change in coverage. The Committee shall also file acceptable verification of coverage for legal liquor liability. Such verifications shall be submitted to the Risk Manager and shall meet with his approval one week prior to the date of the Festival. Upon approval, said verification shall be filed with the City Clerk.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Committee with a copy of this resolution. The Committee shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 95-394 adopted August 1, 1995, is hereby rescinded.

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-508

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AN AMENDMENT TO PLANNED DEVELOPMENT ZONE, P-D(109), TO ALLOW A MULTI-SCREEN THEATRE COMPLEX AND RESTAURANTS ADDITION TO THE NORTH SIDE OF THE VINTAGE FAIRE MALL, LOCATED ON THE NORTH SIDE OF SISK ROAD AND ON THE WEST SIDE OF DALE ROAD (THE MACERICH COMPANY)

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, Macerich Vintage Faire Limited Partnership, the current owners of Vintage Faire Mall, proposed an amendment to Planned Development Zone, P-D(109), to allow a multi-screen theatre complex and restaurants addition on the north side of the Vintage Faire Mall, located on the north side of Sisk Road and on the west side of Dale Road, in the City of Modesto ("the project"), and

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

WHEREAS, on May 4, 1998, the City's Community Development Department, by Environmental Assessment Initial Study 98-17, reviewed the proposed amendment to P-D(109) to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR (SCH No. 92052017), and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to Planned Development Zone, P-D(109), to allow a multi-screen theatre complex and restaurants addition on the north side of the Vintage Faire Mall, located on the north side of Sisk Road and on the west side of Dale Road, in the City of Modesto ("the project"), a copy of which Initial Study 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 no additional significant environmental effects will occur as a result of the proposed amendment to P-D(109) that were not previously examined in the General Plan Master EIR, because the MEIR assumed growth of existing commercial areas, including this area, and the traffic generated by this proposal is less than was analyzed in the MEIR.

2. That no new additional mitigation measures or alternatives will be required as a result of the proposed amendment to P-D(109) that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR.

3. That the proposed amendment to P-D(109) is within the scope of the General Plan Master EIR because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.

4. That the Initial Study, Environmental Assessment No. 98-17, provides the substantial evidence to support the above findings.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Smith

NOES: Councilmembers: Friedman, Serpa, Lang

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

Amendment to P-D (109) for a Multi-Screen Theater At the Vintage Faire Mall (Macerich)

E.A. No. 98-17
May 4, 1998

I. PURPOSE

Section 15177 of the CEQA Guidelines allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 92052017), adopted August 15, 1995, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 15177 of the CEQA Guidelines, analyzes the following:

A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.

B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.

C. Whether the proposed project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:

Amendment to P-D (109) for a Multi-screen Theater at the Vintage Faire Mall

B. Lead agency name and address:

City of Modesto, P.O. Box 642, Modesto, CA 95353

C. Contact person, address and phone number:

Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:

Located on the east side of Sisk Road north of Standiford Avenue

E. Project sponsor:

The Macerich Company, PO Box 2172, Santa Monica, CA 90407-2172

F. General Plan Designation:

Commercial (C)

G. Zoning:

Planned Development Zone, P-D (109)

H. Description of Proposed Project:

This is an application to amend the Planned Development zone for the Vintage Faire Mall to add a 16-screen theater and two restaurants on the north side of the Mall.

I. Surrounding land uses:

The project is bounded on the north by vacant land zoned for professional offices, on the east by existing commercial and office development, on the south by existing commercial development, and on the west by State Highway 99.

J. Other public agencies whose approval is required:

None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

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

A. Traffic and Circulation

This rezoning proposes development consistent with the General Plan designation of Commercial for this site. The General Plan Master EIR analyzed potential increases in traffic generation from all commercial areas in the existing City, including this site. The MEIR analyzed increases in traffic ranging from 89% to 230% on the streets surrounding this project. The traffic analysis prepared for this project indicates that the project will cause increases ranging from 2% to 30%, well below the levels analyzed in the MEIR. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. In addition, a letter from the San Joaquin Valley Unified Air Pollution Control District indicates that that the project may slightly exceed the Air District's threshold of significance for ROG. However, this was based on an assumption of the project generating 6,000 average daily trips. The traffic analysis prepared for this project (which the Air District did not have for their review) indicates that the actual traffic generation for this project is 2,900 additional trips. Therefore, this project's air quality impacts are significantly below the Air District's thresholds of significance. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, therefore, still valid.

C. Generation of Noise

Because the proposed project is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. The project is not close to residential areas that are sensitive to increased noise levels. The project will not create additional significant noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. Increased Demand for Water Supplies

The proposed project will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

The proposed project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

Because the project is consistent with the General Plan in land use and intensity, it will not present any new impacts to drainage, flooding and water quality that have not already been addressed in the MEIR. The project is located in an area that has a positive storm drainage basin, and is not prone to flooding. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are still valid.

J. Increased Demand for Storm Drainage

The project will not present any new impacts that have not already been addressed in the MEIR. The project will be served by an existing positive storm drainage basin that is adequate in size to serve this project, and will not have any significant impact on the demand for storm drainage. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are still valid.

K. Increased Demand for Parks and Open Space

This commercial development will not have an effect upon the parks or open space needs in the area over that anticipated in the Master EIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are therefore still valid.

L. Increased Demand for Schools

This commercial development will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV- 12-11) are still valid.

M. Increased Demand for Police Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid.

N. Increased Demand for Fire Services

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are therefore still valid.

O. Generation of Solid Waste

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

P. Generation of Hazardous Materials

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

Q. Landslides and Seismic Activity

This use will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are therefore still valid.

R. Energy

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

IV. MITIGATION MEASURES

There are not specific features unique to this project that require project-specific mitigation measures. All feasible mitigation measures and feasible alternatives appropriate to the project as set forth in the General Plan Master EIR have been incorporated in the project.

V. RECOMMENDED FINDINGS

A. No additional significant environmental effects will occur as a result of the proposed amendment to P-D(109) that were not previously examined in the General Plan Master EIR, because the MEIR assumed growth of existing commercial areas, including this area, and the traffic generated by this proposal is less than was analyzed in the MEIR.

B. No new additional mitigation measures or alternatives will be required as a result of the proposed amendment to P-D(109) that were not previously considered in the General Plan Master EIR, because the environmental effects of this project are less than were analyzed by the MEIR.

C. The proposed amendment to P-D(109) is within the scope of the General Plan Master EIR, because there are no additional significant effects or new additional mitigation measures or alternatives required for the project that are not already discussed in the Master EIR.

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

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-509

A RESOLUTION AMENDING SECTION 1 OF RESOLUTION NO. 77-384 ENTITLED "A RESOLUTION AMENDING RESOLUTION NO. 73-213 TO APPROVE A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(109). (VINTAGE FAIRE REGIONAL SHOPPING CENTER)". (THE MACERICH COMPANY)

WHEREAS, the Modesto City Council, by Ordinance No. 1259-C.S., which was introduced on March 12, 1973, finally adopted on March 26, 1973, and which became effective on April 25, 1973, granted Planned Development Zone, P-D(109), to allow development of a regional shopping center of 1,300,000 square feet on property located on the east side of Sisk Road north of Standiford Avenue, and

WHEREAS, City Council Resolution No. 73-213 adopted by the City Council on March 12, 1973, approved the development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 1343-C.S., which was introduced on March 25, 1974, finally adopted on April 8, 1974, and which became effective on May 8, 1974, approved an application to expand the boundaries of Planned Development Zone, P-D(109), to include an area to the south to be used as a storm water ponding basis, and

WHEREAS, City Council Resolution No. 74-228 adopted by the City Council on March 25, 1973, approved a revised development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, City Council Resolution No. 75-604 adopted by the City Council on May 27, 1975, amended condition no. 11 of Section 1 of Resolution No. 73-213 to correct the number of street trees that had to be paid for by the developer of Planned Development Zone, P-D(109), and

WHEREAS, City Council Resolution No. 76-269 adopted by the City Council on February 9, 1976, denied the appeal of Ernest W. Hahn, Inc., Carter Hawley Hale Properties, Inc., and Sears Roebuck and Company for an amendment to Planned Development Zone, P-D(109), to permit construction of wall signs in excess of 35 feet in height, and affirmed the decision of the Planning Commission, and

WHEREAS, the Modesto City Council, by Ordinance No. 1610-C.S., which was introduced on April 11, 1977, finally adopted on April 18, 1977, and which became effective on May 18, 1977, granted an amendment to Planned Development Zone, P-D(109), to include a family amusement machine center, and

WHEREAS, City Council Resolution No. 77-384 adopted by the City Council on April 11, 1977, approved and amendment to the development plan for Planned Development Zone, P-D(109), and contained the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(109), was filed by The Macerich Company on August 4, 1997, to allow an 18-screen theater and two restaurants on the north side of the Mall, and

WHEREAS, the application was deemed not complete and by consent of the applicant, was not processed by the City pending the submittal of certain items by the applicant, and

WHEREAS, the applicant subsequently submitted the required items to constitute a complete application on March 16, 1998, and

WHEREAS, after a public hearing on May 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-39, that amendment of Planned Development Zone, P-D(109), as proposed, was required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-39, and

WHEREAS, by Resolution No. 98-39 the Planning Commission recommended to the Council that Planned Development Zone, P-D(109), be amended to allow an 18-screen theater and two restaurants on the north side of the Mall, and

WHEREAS, the City Council held a public hearing on June 16, 1998, at which hearing the City Council voted to continue the public hearing to August 18, 1998, to allow for the negotiation and execution of a Development Agreement, and

WHEREAS, a proposed Development Agreement was negotiated between representatives of the City of Modesto and the applicants, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on August 3, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, for the purpose of making a recommendation to

the City Council concerning an amendment to Planned Development Zone, P-D(109), and the proposed Development Agreement, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission, by Resolution No. 98-47, adopted on August 3, 1998, recommended to the City Council approval of the proposed amendment to Planned Development Zone, P-D(109), and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m., on August 18, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of considering the proposed Development Agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, LLC, and an amendment to Planned Development Zone, P-D(109), and

WHEREAS, thereafter, by Resolution No. 98-439, the Council denied without prejudice the request for rezoning and by Resolution No. 98-440, the Council denied without prejudice the proposed development agreement to add a multi-screen cinema to the Vintage Faire Mall, thus allowing the applicant to re-apply at any time, and

WHEREAS, the applicant subsequently resubmitted an application on September 4, 1998, and the Planning Commission held a duly noticed public hearing on this application on September 21, 1998, and

WHEREAS, after said public hearing, the Modesto City Planning Commission, by Resolution No. 98-55 adopted on September 21, 1998, recommended to the City Council

approval of the proposed amendment to Planned Development Zone, P-D(109), as proposed to allow a 16-screen theater complex and two restaurants, is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed amendment to P-D(109) is required by public convenience or necessity, because it will enhance the economic vitality of Vintage Faire Mall, one of the communities' major retail centers, without conflicting with the City's goals for downtown.

2. The proposed amendment to P-D(109) will result in an orderly planning use of land resources, because the theaters will be located in an area of the City that is already developed and has adequate infrastructure to serve the project.

3. The proposed amendment to P-D(109) is in accordance with the community's objectives as set forth in the General Plan, because it will not conflict with the General Plan goal of downtown being the entertainment center of the region, for the following reasons:

    a. Adding a multi-screen theater to Vintage Faire Mall, which has over 1,000,000 square feet of retail, does not make the Mall an entertainment center.

    b. The theater operator for the project, Signature Theaters, has committed to closing the existing Briggsmore Seven cinemas and the existing second-run four-screen theater at the Mall, reducing the potential conflict with the Tenth Street Place cinemas.

WHEREAS, said matter was again set for a public hearing of the City Council to be held at 4:00 p.m., on September 22, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of considering the proposed Development Agreement between the City of Modesto and Macerich Vintage Faire Limited Partnership and Signature Theatres, LLC, and an amendment to Planned Development Zone, P-D(109), and

WHEREAS, after said public hearing held on September 22, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, the Council found and determined that the application of The Macerich Company for an amendment to Planned Development Zone, P-D(109), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-55 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3097-C.S. on the 22nd day of September, 1998, amending Section 2 of Ordinance No. 1610-C.S., to allow a 16-screen theater complex and two restaurants,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 77-384 entitled "A Resolution Amending Resolution No. 73-213 to Approve a Development Plan for Planned Development Zone, P-D(109). (Vintage Faire Regional Shopping Center)" is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(109), is hereby approved subject to the following conditions:

1. Until the theater opens, this zoning is effective only so long as the development agreement between the City of Modesto, the property owner and the theater operators is in effect. In the event, for any reason, the development agreement is terminated prior to the opening of the theater, then the zoning, including development entitlements, as it relates to the theater shall be null and void. In such event the City may, in addition to any of the remedies set forth in the development agreement, withhold and/or revoke any theater-related permit including grading, excavation, building and/or occupancy permits.

2. The theater at the project site shall not open before November 1, 2001. In the event that any theater project of ten or more screens located outside the City of Modesto and within a ten mile radius and/or the city limits of the City of Ripon from the previously approved theater in downtown Modesto is approved, then the opening date restriction shall be for one year subsequent to such approval, but in no event later than November 1, 2001.

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

4. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

5. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.

6. Prior to issuance of a building permit, the developer shall, in a manner approved by the City Attorney, provide a vehicular access-way to connect to P-D(166) for on-site traffic circulation for the benefit of the property to the northwest, substantially as shown on the plot plan. If the property to the north (Assessor's Parcel No. 76-28-15) develops with commercial or office uses, then vehicular accessways, as determined by the Community Development Director, shall be provided to the property, in a manner to be approved by the City Attorney, substantially as shown on the plot plan. All costs associated with the construction of the accessways shall be paid for by the owner of such neighboring parcels.

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

8. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.

9. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical

interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.

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

11. All conditions of City Council Resolution No. 77-384 not in conflict with this resolution shall remain in full force and effect."

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 X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Smith

NOES: Councilmembers: Friedman, Serpa, Mayor Lang

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Corrected 12/17/98

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-510

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 94082005): AMENDING SECTION 2-3-8 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN OVERLAY ZONE, SP-0, TO PLANNED DEVELOPMENT ZONE, P-D(532), PROPERTY LOCATED ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD TO ALLOW A MULTI-SCREEN THEATER, HOTEL, RESTAURANTS, AND RETAIL COMMERCIAL USES. (COSTA LIMITED PARTNERS)

WHEREAS, on April 1, 1997, the City Council of the City of Modesto certified a Final Focused Environmental Impact Report ("EIR") (SCH No. 94082005) for the Kiernan Business Park and Carver-Bangs Specific Plans, and

WHEREAS, Costa Limited Partners has proposed that the zoning designation for the property located on the north side of Pelandale Avenue east of Sisk Road, be amended to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, in the City of Modesto ("the project"), to allow a multi-screen theater, hotel, restaurants, and commercial uses, and

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

environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, on May 4, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-16 reviewed the proposed amendment to the Zoning Map and rezone to Planned Development to determine whether the project is within the scope of the Kiernan Business Park and Carver-Bangs Specific Plans EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(532), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. There are no substantial changes proposed in the project which will require major revisions to the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the EIR.

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

of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.

3. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

4. The initial study, Environmental Assessment No. 98-16, provides the substantial evidence to support the above findings.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Friedman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-510

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 94082005): AMENDING SECTION 2-3-8 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN OVERLAY ZONE, SP-0, TO PLANNED DEVELOPMENT ZONE, P-D(530), PROPERTY LOCATED ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD TO ALLOW A MULTI-SCREEN THEATER, HOTEL, RESTAURANTS, AND RETAIL COMMERCIAL USES. (COSTA LIMITED PARTNERS)

WHEREAS, on April 1, 1997, the City Council of the City of Modesto certified a Final Focused Environmental Impact Report ("EIR") (SCH No. 94082005) for the Kiernan Business Park and Carver-Bangs Specific Plans, and

WHEREAS, Costa Limited Partners has proposed that the zoning designation for the property located on the north side of Pelandale Avenue east of Sisk Road, be amended to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(530), in the City of Modesto ("the project"), to allow a multi-screen theater, hotel, restaurants, and commercial uses, and

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

WHEREAS, on May 4, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-16 reviewed the proposed amendment to the Zoning Map and rezone to P-D(530) to determine whether the project is within the scope of the Kiernan Business Park and Carver-Bangs Specific Plans EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(530), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. There are no substantial changes proposed in the project which will require major revisions to the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although

Corrected 12/17/98

other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.

3. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

4. The initial study, Environmental Assessment No. 98-16, provides the substantial evidence to support the above findings.

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

City of Modesto
Initial Study

Rezoning From Specific Plan-Overlay Zone to Planned Development Zone, Pelandale Avenue East of Sisk Road (Costa Limited Partners)

E.A. No. 98-16
May 4, 1998

I. PURPOSE

On April 1, 1997, the Modesto City Council certified the Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans (SCH# 94082005). This Final Focused EIR analyzed the impacts of build-out of the Kiernan Business Park Specific Plan, which includes the area in which this project is proposed.
Section 21166 of Public Resources Code allows the Kiernan Business Park Focused EIR to be used for subsequent projects, provided the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.
B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:

Rezoning From Specific Plan-Overlay Zone to Planned Development Zone, Pelandale Avenue East of Sisk Road (Costa Limited Partners)

B. Lead agency name and address:

City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:

Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:

The north side of Pelandale Avenue, east of Sisk Road.

E. Project Sponsor:

Costa Limited Partners, c/o Curtis & Arata, PO Box 3030, Modesto, CA 95353

F. General Plan Designation: Regional Commercial (RC)

G. Current Zoning: Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:

This is a rezoning for a 4,500-seat multi-screen theater, 155,870 square feet of retail space, a 125-room hotel, and four restaurants, located on 37 acres.

I. Surrounding land uses:

The project area is adjoined on the north by an M.I.D. canal, and north of that ranchettes and agricultural land, designated for future business park development by the Kiernan Business Park Specific Plan. It is adjoined on the east by a well drilling business and agricultural land designated for future office development. On the south is Pelandale Avenue, a future 6-lane expressway, and south of that is an existing commercial center and single-family subdivisions. To the west is a vacant parcel.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF CONFORMANCE WITH SECTION 21166 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Kiernan Business Park Specific Plan Focused EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages IV-A-1 through IV-A-48 of the Kiernan Business Park Focused EIR. A Traffic Access Analysis dated March 20, 1998 was prepared for an earlier version of this project. The earlier version was identical to the current proposal, except that it had 22,482 square feet less retail, and one less restaurant. The traffic analysis indicated that the project

would generate 9,400 average daily trips. The City's Transportation Division has estimated that the changes to the latest proposal would add 1,474 average daily trips, for a total of 10,874 average daily trips. This compares with 10,658 average daily trips predicted in the Focused EIR. Although the project generates slightly more trips than was predicted in the EIR, the increase (2%) will not create significantly greater traffic impacts than were anticipated in the EIR. The Traffic Access Analysis' assessment of the impacts on the nearby street system, and the measures needed to alleviate those problems, are also consistent with those contained in the Focused EIR. Therefore, the proposed project is consistent with the analysis contained in the Traffic and Circulation Section of the EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages IV-B-1 through IV-B-10 of the Kiernan Business Park Focused EIR. Air quality impacts are directly related to traffic impacts for this project, as automobile exhaust emissions account for the vast majority of impacts to air quality. Because the traffic analysis is consistent with the EIR, the air quality impacts of the project are also consistent with those analyzed in the EIR. In addition, the San Joaquin Valley Unified Air Pollution Control District, in a letter dated March 24, 1998, agreed that the air quality analysis in the Focused EIR provided adequate analysis for this project.

3. Generation of Noise

Noise impacts are analyzed on pages IV-C-1 through IV-C-14 of the Kiernan Business Park Focused EIR. On page IV-C-4 of the EIR, it states that the proposed uses in the Kiernan Business Park would be compatible with the future noise environment, without the need for additional mitigation measures beyond those prescribed in the General Plan. The uses proposed in this project are all consistent with the Specific Plan in land use, intensity and location, which were analyzed in the EIR. Therefore, the conclusions of the EIR regarding noise impacts remain valid.

4. Increased Demand for Water Supplies

Demand for water supplies is analyzed on pages IV-D-1 through IV-D-4 of the Kiernan Business Park Focused EIR. It concluded that demand for water supplies would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, and will provide water service in accordance with the Specific Plan, this conclusion would not change.

5. Increased Demand for Sanitary Sewer Services

Demand for sewer services is analyzed on pages IV-E-1 through IV-E-4 of the

Kiernan Business Park Focused EIR. The EIR concluded that the uses in the Kiernan Business Park would not generate more sewage than anticipated in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, and will provide sewer service in accordance with the City's standards, there would be no increased demand for sewer services over that analyzed in the EIR.

6. Loss of Sensitive Wildlife and Plant Habitat

Impacts to sensitive wildlife and plant habitat are analyzed on pages IV-F-1 through IV-F-12 of the Kiernan Business Park Focused EIR. The EIR concluded that there would be no significant effects to sensitive wildlife and plant habitat beyond those analyzed in the General Plan Master EIR. Because this project proposes uses of a type, intensity and location consistent with those analyzed in the EIR, the analysis for the loss of sensitive wildlife and plant habitat in the EIR is adequate for this project.

7. Drainage, Flooding and Water Quality

Drainage, flooding and water quality are analyzed on pages IV-G-1 through IV-G-4 of the Kiernan Business Park Focused EIR. The EIR concluded that there were no significant impacts in this area over those analyzed in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no additional impacts over those analyzed in the EIR.

8. Increased Demand for Storm Drainage

Demand for storm drainage is analyzed on pages IV-H-1 through IV-H-4 of the Kiernan Business Park Focused EIR. It concluded that demand for storm drainage would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, and will provide storm drainage in accordance with the Specific Plan, this conclusion would not change.

9. Generation of Hazardous Materials

Generation of hazardous materials is analyzed on pages IV-I-1 through IV-I-4 of the Kiernan Business Park Focused EIR. The EIR concluded that there were no significant impacts in this area over those analyzed in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no additional impacts over those analyzed in the EIR.

10. Increased Demand for Schools

Increased demand for schools is analyzed on pages IV-J-1 through IV-J-5 of the

Kiernan Business Park Focused EIR. It concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, this conclusion remains valid.

11. Increased Demand for Parks and Open Space

Increased demand for parks and open space is analyzed on pages IV-K-1 through IV-K-4 of the Kiernan Business Park Focused EIR. It concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, this conclusion remains valid.

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

The Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans was certified by the Modesto City Council on April 1, 1997. In the period since then, the City has approved several subdivisions in the Pelandale-Snyder and Carver-Bangs Specific Plans to the east of this project. However, this development is consistent with the adopted Specific Plans for these areas, and this development was accounted for in the analysis of the Kiernan Business Park Focused EIR. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.

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

The Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified by the Modesto City Council on April 1, 1997. In the intervening period, there has been no new information, which was not known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified, has become available, that would change the conclusions of the EIR.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the EIR.

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

the project is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.

C. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

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

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

Corrected 12/17/98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-511

Print

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(532). (COSTA LIMITED PARTNERS)

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by Costa Limited Partners on September 4, 1998, (for prior history of this project application refer to Ordinance No. 3100 [ordinance approving the Development Agreement]) to reclassify from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(532), to allow a multi-screen theater, hotel, restaurants, and retail commercial uses, property located on the north side of Pelandale Avenue east of Sisk Road, described as follows:

SP-O to P-D(532)

All that certain real property being a portion of the Northwest quarter of the Southwest quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the West quarter corner of said Section 2; thence south 00° 18' 35" West along the West line of said section, a distance of 90.10 feet to a point on the South line of the 100-foot-wide right-of-way for Modesto Irrigation District's Lateral No. 6, and the TRUE POINT OF BEGINNING; thence South 89° 56' 43" East along last said line, a distance of 1321.03 feet; thence leaving last said line and proceeding South 00° 18' 16" West, a distance of 1221.15 feet to a point on the North right-of-way line of a county road known as Pelandale Avenue; thence along last said right-of-way line, South 89° 57' 00" West, a distance of 1321.15 feet to a point on the above-mentioned West line of said Section 3; thence North 00° 18' 35" East along last said line, a distance of 1223.57 feet to the TRUE POINT OF BEGINNING.

Including, also, that portion of Pelandale Avenue north of the centerline of original 40-foot Pelandale Avenue, all immediately adjacent to the above-described land.

Containing 37.07 acres, more or less.

and

WHEREAS, after a public hearing held on September 21, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-57, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the requested zone change is in accordance with the community's objectives as set forth in the General Plan because it will not conflict with General Plan Economic Development Goal I-D(2), for the following reasons:

    a. The purpose of the General Plan Economic Development Goal I-D(2) is to "provide more employment opportunities". The Goal should not be applied to defeat a project that creates approximately 1,000 direct and indirect jobs.

    b. The second sentence of Economic Development Goal I-D(2) mentions that the area to the west is to be served by the Redevelopment Area, but does not mention north of the Redevelopment Area.

    c. The project meets the criteria for the Regional Commercial designation found in Chapter III, Section B-7(b) and (c). Policy B-8(a) authorizes regional commercial as part of land designated Business Park.

    d. Based upon the testimony, theaters are retail type uses, and therefore the project is not an "entertainment center".

e. Chapter III, Policy B-3(b), commercial locational criteria, encourages locating commercial along major arterials and parkways.

2. That the requested zone change is required by public convenience or necessity.

3. That the requested zone change will result in an orderly planning use of land resources.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 22, 1998, in the City Council Chambers, City Hall, 801 11th 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 Costa Limited Partners for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-57 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3099-C.S. on the 22nd day of September, 1998, reclassifying the above-described property from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(532).

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

1. Until the theater opens, this zoning is effective only so long as the development agreement between the City of Modesto, the property owner and the theater operators is in effect. In the event, for any

reason, the development agreement is terminated prior to the opening of the theater, then the zoning, including development entitlements, as it relates to the theater shall be null and void. In such event the City may, in addition to any of the remedies set forth in the development agreement, withhold and/or revoke any theater-related permit including grading, excavation, building and/or occupancy permits.

2. The theater at the project site shall not open before March 1, 2002. In the event that any theater project of ten or more screens located outside the City of Modesto and within a ten mile radius and/or the city limits of the City of Ripon from the previously approved theater in downtown Modesto is approved, then the opening date restriction shall be for one year subsequent to such approval, but in no event later than March 1, 2002.

3. Except as amended herein, or by reference, all development shall be in accordance with the Kiernan Business Park Specific Plan.

4. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal, in accordance with the City's Standard Specifications and subject to the approval of the Engineering and Transportation Director, at the main driveway entrance from the project onto Pelandale Avenue.

5. Prior to occupancy of any structure, the developer shall install a sewer lift station and force main to provide sewer service to the project, or an alternate solution for sewer service, if approved by the Engineering and Transportation Director, in accordance with the City's Standard Specifications and the Kiernan Business Park Specific Plan. The funding mechanism and funding source for said improvements will be identified to the satisfaction of the Engineering and Transportation Director.

6. Prior to occupancy of any structure, the developer shall provide a storm drain basin and system sufficient to drain the area designated in the Kiernan Business Park Specific Plan for Regional Commercial and Office, and the adjacent sections of Pelandale Avenue and Chapman Road, to their respective centerlines. The basin improvements may be phased subject to the review and approval of the Engineering and Transportation Director. The developer shall be required to maintain this storm drainage basin until such time as the Community Facilities District for the Kiernan Business Park is able to take over maintenance of the basin.

7. All signs shall conform to the sign requirements of the C-3 Zone, with the exception of two 72-square-foot monument marquee signs (one at each end of the site along Pelandale Avenue) with the name of the theater and movie listings are allowed.

8. Street dedication consistent with Standard Specifications, the Kiernan Business Park Specific Plan, the approved site plan and this planned development shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

9. Street improvements consistent with Standard Specifications, the Kiernan Business Park Specific Plan, the approved site plan and this planned development shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

10. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

11. Prior to issuance of a building permit, the developer shall advance the necessary infrastructure costs or shall construct or bond the facilities necessary to extend infrastructure service to the area in accordance with Kiernan Business Park Specific Plan and this planned development. If temporary measures are utilized, the developer shall also fund the amount necessary for removing and replacing the temporary facilities and connecting to the permanent facilities when available. The costs and improvements shall be determined by the Engineering and Transportation Director.

12. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

A six-foot-high chain link fence adjacent to the M.I.D. Lateral No. 6.

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

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

16. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

17. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

18. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.

19. The developer shall, in a manner approved by the City Attorney, provide vehicular accessways for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.

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

21. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.

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

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

SECTION 2. 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 X 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(532), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Smith, Mayor Lang

NOES: Councilmembers: Conrad, Friedman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By
Community Development Department
Development Services

Corrected 12-17-98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-511

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(530). (COSTA LIMITED PARTNERS)

WHEREAS, a verified application for an amendment to Section 2-3-8 of the Zoning Map was filed by Costa Limited Partners on September 4, 1998, (for prior history of this project application refer to Ordinance No. 3100 [ordinance approving the Development Agreement]) to reclassify from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(530), to allow a multi-screen theater, hotel, restaurants, and retail commercial uses, property located on the north side of Pelandale Avenue east of Sisk Road, described as follows:

SP-O to P-D(530)

All that certain real property being a portion of the Northwest quarter of the Southwest quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, being more particularly described as follows:

COMMENCING for reference at the West quarter corner of said Section 2; thence south 00° 18' 35" West along the West line of said section, a distance of 90.10 feet to a point on the South line of the 100-foot-wide right-of-way for Modesto Irrigation District's Lateral No. 6, and the TRUE POINT OF BEGINNING; thence South 89° 56' 43" East along last said line, a distance of 1321.03 feet; thence leaving last said line and proceeding South 00° 18' 16" West, a distance of 1221.15 feet to a point on the North right-of-way line of a county road known as Pelandale Avenue; thence along last said right-of-way line, South 89° 57' 00" West, a distance of 1321.15 feet to a point on the above-mentioned West line of said Section 3; thence North 00° 18' 35" East along last said line, a distance of 1223.57 feet to the TRUE POINT OF BEGINNING.

Corrected 12-17-98

Including, also, that portion of Pelandale Avenue north of the centerline of original 40-foot Pelandale Avenue, all immediately adjacent to the above-described land.

Containing 37.07 acres, more or less.

and

WHEREAS, after a public hearing held on September 21, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 98-57, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the requested zone change is in accordance with the community's objectives as set forth in the General Plan because it will not conflict with General Plan Economic Development Goal I-D(2), for the following reasons:

   a. The purpose of the General Plan Economic Development Goal I-D(2) is to "provide more employment opportunities". The Goal should not be applied to defeat a project that creates approximately 1,000 direct and indirect jobs.

   b. The second sentence of Economic Development Goal I-D(2) mentions that the area to the west is to be served by the Redevelopment Area, but does not mention north of the Redevelopment Area.

   c. The project meets the criteria for the Regional Commercial designation found in Chapter III, Section B-7(b) and (c). Policy B-8(a) authorizes regional commercial as part of land designated Business Park.

   d. Based upon the testimony, theaters are retail type uses, and therefore the project is not an "entertainment center".

CORRECTED 12-17-98

e. Chapter III, Policy B-3(b), commercial locational criteria, encourages locating commercial along major arterials and parkways.

2. That the requested zone change is required by public convenience or necessity.

3. That the requested zone change will result in an orderly planning use of land resources.

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on September 22, 1998, in the City Council Chambers, City Hall, 801 11th 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 Costa Limited Partners for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 98-57 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3099-C.S. on the 22nd day of September, 1998, reclassifying the above-described property from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(530).

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

1. Until the theater opens, this zoning is effective only so long as the development agreement between the City of Modesto, the property owner and the theater operators is in effect. In the event, for any

CORRECTED 12-17-98

reason, the development agreement is terminated prior to the opening of the theater, then the zoning, including development entitlements, as it relates to the theater shall be null and void. In such event the City may, in addition to any of the remedies set forth in the development agreement, withhold and/or revoke any theater-related permit including grading, excavation, building and/or occupancy permits.

2. The theater at the project site shall not open before March 1, 2002. In the event that any theater project of ten or more screens located outside the City of Modesto and within a ten mile radius and/or the city limits of the City of Ripon from the previously approved theater in downtown Modesto is approved, then the opening date restriction shall be for one year subsequent to such approval, but in no event later than March 1, 2002.

3. Except as amended herein, or by reference, all development shall be in accordance with the Kiernan Business Park Specific Plan.

4. Prior to occupancy of any structure, the developer shall be responsible for construction of a traffic signal, in accordance with the City's Standard Specifications and subject to the approval of the Engineering and Transportation Director, at the main driveway entrance from the project onto Pelandale Avenue.

5. Prior to occupancy of any structure, the developer shall install a sewer lift station and force main to provide sewer service to the project, or an alternate solution for sewer service, if approved by the Engineering and Transportation Director, in accordance with the City's Standard Specifications and the Kiernan Business Park Specific Plan. The funding mechanism and funding source for said improvements will be identified to the satisfaction of the Engineering and Transportation Director.

6. Prior to occupancy of any structure, the developer shall provide a storm drain basin and system sufficient to drain the area designated in the Kiernan Business Park Specific Plan for Regional Commercial and Office, and the adjacent sections of Pelandale Avenue and Chapman Road, to their respective centerlines. The basin improvements may be phased subject to the review and approval of the Engineering and Transportation Director. The developer shall be required to maintain this storm drainage basin until such time as the Community Facilities District for the Kiernan Business Park is able to take over maintenance of the basin.

Corrected 12-17-98

7. All signs shall conform to the sign requirements of the C-3 Zone, with the exception of two 72-square-foot monument marquee signs (one at each end of the site along Pelandale Avenue) with the name of the theater and movie listings are allowed.

8. Street dedication consistent with Standard Specifications, the Kiernan Business Park Specific Plan, the approved site plan and this planned development shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

9. Street improvements consistent with Standard Specifications, the Kiernan Business Park Specific Plan, the approved site plan and this planned development shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

10. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

11. Prior to issuance of a building permit, the developer shall advance the necessary infrastructure costs or shall construct or bond the facilities necessary to extend infrastructure service to the area in accordance with Kiernan Business Park Specific Plan and this planned development. If temporary measures are utilized, the developer shall also fund the amount necessary for removing and replacing the temporary facilities and connecting to the permanent facilities when available. The costs and improvements shall be determined by the Engineering and Transportation Director.

12. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Community Services and Neighborhood Connections Department Director. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

CORRECTED 12-17-98

A six-foot-high chain link fence adjacent to the M.I.D. Lateral No. 6.

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

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

16. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the Engineering and Transportation Director. Easements for irrigation lines to remain shall be dedicated.

17. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.

18. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.

19. The developer shall, in a manner approved by the City Attorney, provide vehicular accessways for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.

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

21. The plan shall provide safe bike paths and secure bicycle parking to encourage nonmotorized forms of transportation to and from the facility.

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

Corrected 12-17-98

Corrected 11/2/98

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

SECTION 2. 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 X 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(530), becomes effective.

Corrected 11/2/98

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 X 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(530), becomes effective.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-512

Print

A RESOLUTION ENDORSING THE RECOMMENDATIONS OF THE BLUE RIBBON COMMITTEE ON PREVAILING WAGES, DECLARING THAT THE COMMITTEE'S ACTIVITIES BE DEEMED COMPLETE, AND DISSOLVING THE BLUE RIBBON COMMITTEE ON PREVAILING WAGES.

WHEREAS, on September 19, 1995, the City Council, by Resolution No. 95-458, directed that a Blue Ribbon Committee on prevailing wages be formed to review the effect non-prevailing wages has on locally-funded jobs and the local economy over the next year and report back to the Council at the end of that time, and

WHEREAS, the Blue Ribbon Committee met in July, August, September and October, 1996, and August 1998, and

WHEREAS, throughout these meetings the Committee struggled to clearly define what "the local economy" was, what factors go into making up the local economy, and how to measure the impact of the City's prevailing wage policy on the local economy, and

WHEREAS, at the conclusion of the October, 1996, meeting, the Committee, unable to reach a clear resolution, approved a motion requesting that City staff gather detailed information from future contracts for one year which might assist the Committee in making its determination, and

WHEREAS, the Committee planned to reconvene in November, 1997, but was unable to reconvene until August, 1998, due to other priority work, and

WHEREAS, at its August 17, 1998, meeting, the Committee reviewed the

information which had been continuously gathered by City staff from October, 1996, to August, 1998, when the Committee reconvened, and

WHEREAS, at said meeting, the Blue Ribbon Committee made and passed a motion advising the City Council that the Committee was unable to comply with its charter to determine the effect of the non-prevailing wage policy on the local economy and that it was further unable to come to a conclusion as to whether to recommend to the Council to continue or discontinue its present policy on prevailing wages, and

WHEREAS, a further motion was made to recommend to the City Council that the Council consider the Committee's activities complete; and further, that the Blue Ribbon Committee on Prevailing Wages be dissolved, and

WHEREAS, the Economic Development, Community And Intergovernmental Relations Committee met on September 10, 1998, to consider the recommendations of the Blue Ribbon Committee on Prevailing Wages as outlined in the motions passed by the Committee on August 17, 1998, and

WHEREAS, the Economic Development, Community And Intergovernmental Relations Committee concurred with the Blue Ribbon Committee's recommendations and recommended adoption of same by the City Council,

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

1. That it hereby concurs with the recommendations of the Blue Ribbon Committee on Prevailing Wages as supported by the Economic Development, Community And Intergovernmental Relations Committee.

2. That the activities of the Blue Ribbon Committee on Prevailing Wages be, and they hereby are deemed complete.

3. That the Blue Ribbon Committee on Prevailing Wages is hereby dissolved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-513

Print

A RESOLUTION ACCEPTING IMPROVEMENTS IN CHARLESTON PLACE SUBDIVISION AND AUTHORIZING RELEASE OF IRREVOCABLE COMMITMENT OF FUNDS

WHEREAS, Charleston Place Partnership, a Limited Partnership, subdividers of Charleston Place subdivision, have caused to be filed an Irrevocable Commitment of Funds in the amount of $670,000.00 to serve as a performance bond to guarantee certain on-site improvements in the Charleston Place subdivision; and

WHEREAS, Charleston Place Partnership has also caused to be filed an Irrevocable Standby Letter of Credit in the amount of $25,000 for restoration of an on-site storm drainage basin, and an Irrevocable Standby Letter of Credit in the amount of $10,000 for maintenance of a temporary drainage basin; and

WHEREAS, a memorandum dated September 22, 1998 from the Deputy City Attorney indicates that acceptance of certain on-site subdivision improvements would be in order, conditioned on receipt of a letter of credit to guarantee and warrant subdivision improvements for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished, and cleanup of all landscaping improvements on or before Friday, September 25, 1998; and

WHEREAS, it would be in order for the City Council to accept, with conditions, the following on-site improvements in said subdivision as complete and authorize the City Clerk to file notice of completion after September 29, 1998, and release the Irrevocable Commitment of Funds upon expiration of the statutory period:

(a) Sanitary Sewers

(b) Streets, excluding restoration of the intersection of Ashley Drive and Roselle Avenue

(c) Sidewalks

(d) Curbs and Gutters

(e) Street Lights

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

1. The above on-site improvements in Charleston Place Subdivision are hereby accepted subject to the following conditions:

   (a) that clean-up of all landscaping improvements be completed to the satisfaction of the City no later than September 25, 1998; and

   (b) that on or before September 25, 1998 Charleston Place Partnership deliver a letter of credit to the City in the amount of $67,000 to guarantee and warrant the above on-site improvements for a period of one year.

2. The effective date of said acceptance shall be September 29, 1998 if and only if each of the above conditions is fully satisfied. In the event said conditions are not completed within the time allowed and to the satisfaction of the city, said acceptance shall be null and void and have no further force and effect.

3. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for faithful performance in the amount of $670,000.00 upon recordation of notice of completion.

4. The City Clerk is hereby authorized to release Irrevocable Standby letter of Credit in the amount of $25,000 for restoration of drainage basin and extension to City central basin upon recordation of notice of completion.

5. The City Clerk is hereby authorized to release Irrevocable Standby Letter of Credit in the amount of $10,000 for maintenance of a temporary drainage basin upon recordation of notice of completion.

6. The City Clerk is hereby authorized to release the Irrevocable Commitment of Funds for labor and materials in the amount of $335,000.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of September, 1998 by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-514

Print

A RESOLUTION ACCEPTING THE BID OF GROVER LANDSCAPE SERVICES INC. FOR THE PROJECT TITLED "WOODLAND TOT LOT"

WHEREAS, the bids received for Woodland Tot Lot were opened at 11:00 a.m. on September 8, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Grover Landscape Services Inc. in the amount of $82,198.78 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-515

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $30,000 ADDITIONAL FUNDS TO PROVIDE A ONE-ACRE TOT LOT AT THE ALBERTA MARTONE SCHOOL SITE

WHEREAS, this project will provide a one-acre tot lot located at the Alberta Martone School site which will include play apparatus, picnic tables, benches, a drinking fountain and landscaping; and

WHEREAS, additional funding is needed because the original scope of the project did not include the use of consultants for the design, document preparation, right-of-way description and site surveys.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures	
135- 800-8000-8003 Contingency Reserve	$(30,000)
135-310-J320-6040 Martone Tot Lot	$ 30,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 6th day of October 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine Brown for
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-516

Print

A RESOLUTION ACCEPTING THE BID OF ALLEN WAGGONER CONSTRUCTION FOR THE PROJECT TITLED "ROSELLE AVENUE WATERLINE"

WHEREAS, the bids received for Roselle Avenue Waterline were opened at 11:00 a.m. on September 1, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Allen Waggoner Construction in the amount of $220,825 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-517

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $249,532.25 TO FULLY FUND ROSELLE AVENUE WATERLINE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 12" Mains - Hatch, Morgan, Glen, WH; 612-480-J963-6040; $249,532.25
TO: Roselle Waterline, 6040; $249,532.25
Funds were not originally identified in the CIP document for this specific project. Transfer is needed to fully fund the project and for ease of project accounting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-518

Print

A RESOLUTION REJECTING BIDS FOR MODESTO CITY-COUNTY AIRPORT'S AIP 19 AND 20 PROJECTS, OPENED IN THE OFFICE OF THE CITY CLERK ON AUGUST 18, 1998, AND AUTHORIZING ADVERTISING AND BIDDING THE PROJECTS NEXT SPRING

WHEREAS, the bids received for Modesto City-County Airport's AIP 19 and 20 projects were opened at 11:00 a.m. on August 18, 1998, and;

WHEREAS, during the bid evaluation process, staff and the consultant recommends rejecting bids due to the high pricing submitted, the late start on construction, and the likelihood that the projects would be shut-down for winter before completion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Modesto City-County Airport's AIP 19 and 20 projects, opened in the office of the City Clerk on August 18, 1998, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Modesto City-County Airport's AIP 19 and 20 projects will be held early next year, exact date to be announced.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-519

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "CARPENTER ROAD WATERLINE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Carpenter Road Waterline has been completed by Mozingo Construction Company, in accordance with the contract agreement dated June 16, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Carpenter Road Waterline be accepted from said contractor, Mozingo Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $52,411.55 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk 9

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-520

A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH REQUESTS FOR PROPOSALS FOR BIOSOLIDS REMOVAL AT THE SECONDARY WASTEWATER TREATMENT PLANT.

WHEREAS, City staff has recommended that authorization be given to staff to proceed with Requests for Proposals to remove the remaining dewatered Biosolids at the Secondary Wastewater Treatment Plant located at 7007 Jennings Road, Modesto, California, said Biosolids being a byproduct of the Wastewater Treatment Plant which provides wastewater treatment for the Modesto general area, and

WHEREAS, the Council considered this matter at the Council Meeting held on October 6, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to proceed with formal Requests for Proposals to be opened October 20, 1998, at 11:00 a.m., to remove the remaining dewatered Biosolids at the Secondary Wastewater Treatment Plant located at 7007 Jennings Road, Modesto, California, said Biosolids being a byproduct of the Wastewater Treatment Plant which provides wastewater treatment for the Modesto general area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-521

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF "WATER SPECIALTY" WATER METERS FROM GROENIGER & COMPANY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of "water specialty" water meters is hereby waived.

BE IT FURTHER RESOLVED that purchase of "water specialty" water meters for a not to exceed price of $90,000 for Fiscal Year 1998-1999, and authorizing the purchase of said water meters for two additional years up to and including Fiscal Year 2000-2001, for a total three-year cost not to exceed $270,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-522

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM UNDER SECTION 164.56 OF THE STREETS AND HIGHWAYS CODE FOR THE HETCH HETCHY BICYCLE TRAIL PROJECT

WHEREAS, the Legislature of the State of California has enacted AB 471 (Chapter 106 of the Statutes of 1989), which is intended to provide $10 million annually for a period of ten (10) years for grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities, and

WHEREAS, the Resources Agency has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommenced projects from which the grant recipients will be selected, and

WHEREAS, said procedures and criteria established by the Resources Agency require a resolution certifying the approval of application by the applicant's governing body before submission of said application to the State, and

WHEREAS, the application contains assurances that the applicant must comply with, and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the environmental enhancement and mitigation project,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby finds and

determines as follows:

1. That the City Manager of the City of Modesto is authorized to execute and submit an application requesting grant assistance of $250,000.00 from the State Resources Agency, Environmental Enhancement and Mitigation Program.

2. That the Council hereby certifies that the City of Modesto shall make adequate provisions for operation and maintenance of the project.

3. That J. Edward Tewes, City Manager, or his authorized designee, for the City of Modesto is hereby appointed as the agent of the City of Modesto to conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-523

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE BRADLEY ESTATES PHASE 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, STEWART W. BRADLEY AND BETTY J. BRADLEY, Husband and Wife as Joint Tenants and McHENRY RANCH JOINT VENTURE, a Partnership, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 7.82 acres, known as BRADLEY ESTATES PHASE 1 SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 26th day of January, 1998, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said BRADLEY ESTATES PHASE 1 SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved, that the streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use, and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after subdividers have taken all actions reasonably necessary to form or annex to a City of Modesto

Mello-Roos Community Facilities District ("CFD") or have executed an irrevocable 18-month appointment of a representative to act for it in a CFD election which is in a form acceptable to the City Attorney, after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and after subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of Oct., 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-524

A RESOLUTION ACCEPTING IMPROVEMENTS IN OLYMPIC VILLAGE EAST NO. 2 AND AUTHORIZING RELEASE OF SECURITIES

WHEREAS, L&L Ventures and Rodney K. Lowe Inc., subdividers of Olympic Village East No. 2 have filed securities in the amount of $106,785 to serve as Faithful Performance Bond and labor and materials bond, to guarantee improvements in Olympic Village East No. 2 and;

WHEREAS, the Community Development Director, in a memorandum to Council, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Community Development Department; and

WHEREAS, the Community Development Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete and authorize the City Clerk to file notice of completion and release the securities upon expiration of the statutory period.

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

1. The improvements in Olympic Village East No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the securities for faithful performance in the amount of $71,190.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the securities for labor and materials in the amount of $53,392.50 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-525

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JOHN GARCIA FROM THE EQUIAL OPPORTUNITY/DISABILITY COMMISSION, EFFECTIVE OCTOBER 6, 1998

WHEREAS, John Garcia was appointed a member of the Equal Opportunity/Disability Commission on July 2, 1996; and

WHEREAS, John Garcia has tendered his resignation from the Equal Opportunity/Disability Commission, effective October 6, 1998; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of John Garcia from the Equal Opportunity/Disability Commission be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-526

Print

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MARK HEINZINGER FROM LOCAL CABLE PROGRAMMING COMMITTEE, EFFECTIVE OCTOBER 6, 1998

WHEREAS, Mark Heinzinger was appointed a member of the Local Cable Programming Committee on August 20, 1996 ; and

WHEREAS, Mark Heinzinger has tendered his resignation from the Local Cable Programming Committee, effective October 6, 1998; and

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

NOW, THEREFORE, BE IT RESOLVED that the resignation of Mark Heinzinger from the Local Cable Programming Committee be, and hereby is accepted with regret.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-527

A RESOLUTION APPROVING, ENDORSING AND RATIFYING THE REVISED JOINT POWERS AGREEMENT ESTABLISHING THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS.

WHEREAS, the City of Modesto is a member agency of the Stanislaus Area Association of Governments ("SAAG"), and

WHEREAS, the latest revision of the SAAG Joint Powers Agreement ('JPA") was approved in Mayo of 1974, and

WHEREAS, in the 24 years since the last revision of the SAAG JPA there have been significant changes in the rules and regulations governing JPAs, and in the relationships between SAAG and its member agencies, and

WHEREAS, the City of Modesto wishes to enter into a Revised JPA in order to establish the duties and powers of a newly constituted SAAG and to ensure effective operation, cooperation and dialog among the SAAG member agencies, and

WHEREAS, the Revised JPA has been carefully reviewed and evaluated by SAAG staff and various SAAG committees, as well as City and County staffs, and

WHEREAS, it is the consensus of these groups that the Revised JPA clarifies ambiguities in the 1974 JPA and establishes a more participatory format, and

WHEREAS, the SAAG Policy Board has recommended approval of the Revised JPA, and

WHEREAS, pursuant to Section 26 of the Stanislaus Area Association of

Governments Revised Joint Powers Agreement, the Revised JPA shall become effective upon the ratification by resolution of each of the member agencies of SAAG, said JPA is between the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, and the County of Stanislaus,

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto approves, endorses and ratifies the Revised Joint Powers Agreement between the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford, and the County of Stanislaus, establishing the Stanislaus Area Association of Governments, a copy of which is on file in the office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Revised SAAG JPA on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-528

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANT AGREEMENT WITH THE CALIFORNIA ENERGY COMMISSION FOR A PETROLEUM VIOLATION ESCROW GRANT TO BENEFIT THE MODESTO CITY SCHOOL DISTRICT.

WHEREAS, on October 6, 1998, the City Council considered a staff report from the City Manager requesting authorization to sign a grant agreement with the California Energy Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager or his authorized designee to sign a Grant Agreement or other related documents with the California Energy Commission to accept a Petroleum Violation Escrow Grant in the amount of $182,000 to benefit the Modesto City School district to replace old and inefficient heaters at Modesto High School, payments of Energy Commission Funding to be made through the City for work for the School District project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Corrected 12/17/98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-529

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 94082005): APPROVAL OF AN AMENDED DEVELOPMENT AGREEMENT WITH COSTA LIMITED PARTNERS RELATING TO A 16-SCREEN THEATER, HOTEL, RESTAURANTS, AND RETAIL COMMERCIAL USES, PROPERTY LOCATED ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD (COSTA LIMITED PARTNERS)

WHEREAS, on April 1, 1997, the City Council of the City of Modesto certified a Final Focused Environmental Impact Report ("EIR") (SCH No. 94082005) for the Kiernan Business Park and Carver-Bangs Specific Plans, and

WHEREAS, Costa Limited Partners has proposed that the zoning designation for the property located on the north side of Pelandale Avenue east of Sisk Road, be amended to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(532), in the City of Modesto ("the project"), to allow a multi-screen theater, hotel, restaurants, and commercial uses, and

WHEREAS, on September 22, 1998, the Council introduced Ordinance No. 3100-C.S., which approved a development agreement between the City of Modesto and Costa Limited Partners and WestStar Cinema, Inc., for a 16-screen theater, hotel, restaurants, and retail commercial uses, property located on the north side of Pelandale Avenue east of Sisk Road, and

WHEREAS, on October 6, 1998, the Council considered an amendment to said development agreement to remove the theater operator provisions (WestStar Cinema) from the original development agreement, as requested by Steven A. Herum on behalf of Costa Limited Partners, and

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

WHEREAS, on May 4, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-16 reviewed the proposed project, which included an amendment to the Zoning Map and rezone to P-D(532), to determine whether the project is within the scope of the Kiernan Business Park and Carver-Bangs Specific Plans EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed project, a copy of which is attached hereto as Exhibit "A", and incorporated herein

by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. There are no substantial changes proposed in the project which will require major revisions to the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.

3. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

4. The initial study, Environmental Assessment No. 98-16, provides the substantial evidence to support the above findings.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Corrected 12/17/98

MODESTO CITY COUNCIL
RESOLUTION NO. 98-529

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT (SCH NO. 94082005): APPROVAL OF AN AMENDED DEVELOPMENT AGREEMENT WITH COSTA LIMITED PARTNERS RELATING TO A 16-SCREEN THEATER, HOTEL, RESTAURANTS, AND RETAIL COMMERCIAL USES, PROPERTY LOCATED ON THE NORTH SIDE OF PELANDALE AVENUE EAST OF SISK ROAD (COSTA LIMITED PARTNERS)

WHEREAS, on April 1, 1997, the City Council of the City of Modesto certified a Final Focused Environmental Impact Report ("EIR") (SCH No. 94082005) for the Kiernan Business Park and Carver-Bangs Specific Plans, and

WHEREAS, Costa Limited Partners has proposed that the zoning designation for the property located on the north side of Pelandale Avenue east of Sisk Road, be amended to rezone from Specific Plan Overlay Zone, SP-O, to Planned Development Zone, P-D(530), in the City of Modesto ("the project"), to allow a multi-screen theater, hotel, restaurants, and commercial uses, and

WHEREAS, on September 22, 1998, the Council introduced Ordinance No. 3100-C.S., which approved a development agreement between the City of Modesto and Costa Limited Partners and WestStar Cinema, Inc., for a 16-screen theater, hotel, restaurants, and retail commercial uses, property located on the north side of Pelandale Avenue east of Sisk Road, and

WHEREAS, on October 6, 1998, the Council considered an amendment to said development agreement to remove the theater operator provisions (WestStar Cinema) from the

Corrected 12/17/98

original development agreement, as requested by Steven A. Herum on behalf of Costa Limited Partners, and

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

WHEREAS, on May 4, 1998, the City's Community Development Department by Environmental Assessment Initial Study 98-16 reviewed the proposed project, which included an amendment to the Zoning Map and rezone to P-D(530), to determine whether the project is within the scope of the Kiernan Business Park and Carver-Bangs Specific Plans EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the EIR,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed project, 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:

CORRECTED 12/17/98

1. There are no substantial changes proposed in the project which will require major revisions to the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the EIR.

2. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.

3. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

4. The initial study, Environmental Assessment No. 98-16, provides the substantial evidence to support the above findings.

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

EXHIBIT "A"

City of Modesto
Initial Study

Rezoning From Specific Plan-Overlay Zone to Planned Development Zone, Pelandale Avenue East of Sisk Road (Costa Limited Partners)

E.A. No. 98-16
May 4, 1998

I. PURPOSE

On April 1, 1997, the Modesto City Council certified the Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans (SCH# 94082005). This Final Focused EIR analyzed the impacts of build-out of the Kiernan Business Park Specific Plan, which includes the area in which this project is proposed.
Section 21166 of Public Resources Code allows the Kiernan Business Park Focused EIR to be used for subsequent projects, provided the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.
B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:

Rezoning From Specific Plan-Overlay Zone to Planned Development Zone, Pelandale Avenue East of Sisk Road (Costa Limited Partners)

B. Lead agency name and address:

City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:

Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:

The north side of Pelandale Avenue, east of Sisk Road.

E. Project Sponsor:

Costa Limited Partners, c/o Curtis & Arata, PO Box 3030, Modesto, CA 95353

F. General Plan Designation: Regional Commercial (RC)

G. Current Zoning: Specific Plan-Overlay (SP-O) Zone

H. Description of Proposed Project:

This is a rezoning for a 4,500-seat multi-screen theater, 155,870 square feet of retail space, a 125-room hotel, and four restaurants, located on 37 acres.

I. Surrounding land uses:

The project area is adjoined on the north by an M.I.D. canal, and north of that ranchettes and agricultural land, designated for future business park development by the Kiernan Business Park Specific Plan. It is adjoined on the east by a well drilling business and agricultural land designated for future office development. On the south is Pelandale Avenue, a future 6-lane expressway, and south of that is an existing commercial center and single-family subdivisions. To the west is a vacant parcel.

J. Other public agencies whose approval is required: none

III. ANALYSIS OF CONFORMANCE WITH SECTION 21166 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Kiernan Business Park Specific Plan Focused EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages IV-A-1 through IV-A-48 of the Kiernan Business Park Focused EIR. A Traffic Access Analysis dated March 20, 1998 was prepared for an earlier version of this project. The earlier version was identical to the current proposal, except that it had 22,482 square feet less retail, and one less restaurant. The traffic analysis indicated that the project

would generate 9,400 average daily trips. The City's Transportation Division has estimated that the changes to the latest proposal would add 1,474 average daily trips, for a total of 10,874 average daily trips. This compares with 10,658 average daily trips predicted in the Focused EIR. Although the project generates slightly more trips than was predicted in the EIR, the increase (2%) will not create significantly greater traffic impacts than were anticipated in the EIR. The Traffic Access Analysis' assessment of the impacts on the nearby street system, and the measures needed to alleviate those problems, are also consistent with those contained in the Focused EIR. Therefore, the proposed project is consistent with the analysis contained in the Traffic and Circulation Section of the EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages IV-B-1 through IV-B-10 of the Kiernan Business Park Focused EIR. Air quality impacts are directly related to traffic impacts for this project, as automobile exhaust emissions account for the vast majority of impacts to air quality. Because the traffic analysis is consistent with the EIR, the air quality impacts of the project are also consistent with those analyzed in the EIR. In addition, the San Joaquin Valley Unified Air Pollution Control District, in a letter dated March 24, 1998, agreed that the air quality analysis in the Focused EIR provided adequate analysis for this project.

3. Generation of Noise

Noise impacts are analyzed on pages IV-C-1 through IV-C-14 of the Kiernan Business Park Focused EIR. On page IV-C-4 of the EIR, it states that the proposed uses in the Kiernan Business Park would be compatible with the future noise environment, without the need for additional mitigation measures beyond those prescribed in the General Plan. The uses proposed in this project are all consistent with the Specific Plan in land use, intensity and location, which were analyzed in the EIR. Therefore, the conclusions of the EIR regarding noise impacts remain valid.

4. Increased Demand for Water Supplies

Demand for water supplies is analyzed on pages IV-D-1 through IV-D-4 of the Kiernan Business Park Focused EIR. It concluded that demand for water supplies would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, and will provide water service in accordance with the Specific Plan, this conclusion would not change.

5. Increased Demand for Sanitary Sewer Services

Demand for sewer services is analyzed on pages IV-E-1 through IV-E-4 of the

Kiernan Business Park Focused EIR. The EIR concluded that the uses in the Kiernan Business Park would not generate more sewage than anticipated in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, and will provide sewer service in accordance with the City's standards, there would be no increased demand for sewer services over that analyzed in the EIR.

6. Loss of Sensitive Wildlife and Plant Habitat

Impacts to sensitive wildlife and plant habitat are analyzed on pages IV-F-1 through IV-F-12 of the Kiernan Business Park Focused EIR. The EIR concluded that there would be no significant effects to sensitive wildlife and plant habitat beyond those analyzed in the General Plan Master EIR. Because this project proposes uses of a type, intensity and location consistent with those analyzed in the EIR, the analysis for the loss of sensitive wildlife and plant habitat in the EIR is adequate for this project.

7. Drainage, Flooding and Water Quality

Drainage, flooding and water quality are analyzed on pages IV-G-1 through IV-G-4 of the Kiernan Business Park Focused EIR. The EIR concluded that there were no significant impacts in this area over those analyzed in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no additional impacts over those analyzed in the EIR.

8. Increased Demand for Storm Drainage

Demand for storm drainage is analyzed on pages IV-H-1 through IV-H-4 of the Kiernan Business Park Focused EIR. It concluded that demand for storm drainage would not exceed that projected in the General Plan. Since this project proposes uses of a type and intensity that were anticipated in the EIR, and will provide storm drainage in accordance with the Specific Plan, this conclusion would not change.

9. Generation of Hazardous Materials

Generation of hazardous materials is analyzed on pages IV-I-1 through IV-I-4 of the Kiernan Business Park Focused EIR. The EIR concluded that there were no significant impacts in this area over those analyzed in the General Plan Master EIR. Since the project proposes uses consistent in type and intensity with those of the EIR, there would be no additional impacts over those analyzed in the EIR.

10. Increased Demand for Schools

Increased demand for schools is analyzed on pages IV-J-1 through IV-J-5 of the

Kiernan Business Park Focused EIR. It concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, this conclusion remains valid.

11. Increased Demand for Parks and Open Space

Increased demand for parks and open space is analyzed on pages IV-K-1 through IV-K-4 of the Kiernan Business Park Focused EIR. It concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, this conclusion remains valid.

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

The Final Focused Environmental Impact Report for the Kiernan Business Park and Carver-Bangs Specific Plans was certified by the Modesto City Council on April 1, 1997. In the period since then, the City has approved several subdivisions in the Pelandale-Snyder and Carver-Bangs Specific Plans to the east of this project. However, this development is consistent with the adopted Specific Plans for these areas, and this development was accounted for in the analysis of the Kiernan Business Park Focused EIR. Therefore, there have been no substantial changes with respect to the circumstances under which this project is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR.

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

The Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified by the Modesto City Council on April 1, 1997. In the intervening period, there has been no new information, which was not known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified, has become available, that would change the conclusions of the EIR.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because the EIR studied the impact of Regional Commercial uses in this area, including theaters, and the traffic generated by this project is consistent with what was predicted in the EIR.

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

the project is being undertaken which will require major revisions in the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR, because although other projects have been approved in this area since the EIR was certified, these projects were already assumed in the analysis for the EIR.

C. No new information, which was not known and could not have been known at the time the Kiernan Business Park and Carver-Bangs Specific Plans Focused EIR was certified as complete, has become available.

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

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

2 Clerk
1 Attorney
1 CDD - Construction Administration
1 Initiating Department - Attention: Strategic Planning, Steve Nish
1 CDD Director, Phil Testa

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-530

A RESOLUTION DECLARING THE BUILDINGS AND STRUCTURES LOCATED AT 930 SEVENTH STREET AND 710 "J" STREET A NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS.

WHEREAS, Bernie L. Shaw, an individual, has title to and is the record owner of property located at the corner of Seventh and "J" Streets in the City of Modesto, County of Stanislaus (commonly referred to as 930 Seventh Street and 710 "J" Street), hereinafter referred to collectively as the "premises", and

WHEREAS, the premises at Seventh and "J" Streets consists of a commercial garage, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Dangerous Building Code and Modesto Municipal Code Section 9-8.01 to enforce all provisions of the Dangerous Building Code including authority to inspect any building intended or designed for human habitation and order that any such building determined to be dangerous under the Dangerous Building Code be declared a public nuisance and order the record owner to abate the nuisance by repair or demolition, and

WHEREAS, the structure located at 930 Seventh Street and 710 "J" Street is a commercial garage which has been abandoned and left unsecured since the demolition of the single-family dwelling on February 24, 1993, and

WHEREAS, the garage is frequented by vagrants and trespassers and is an ongoing

enforcement issue with the City of Modesto Police Department, and

WHEREAS, on or about February 18, 1997, the structure was extensively damaged by fire, and

WHEREAS, a "Notice to Vacate" was posted on the premises on February 21, 1997, pursuant to the Dangerous Building Code, and

WHEREAS, an inspection of the premises was conducted by City of Modesto Building Inspection personnel on March 4, 1997, and

WHEREAS, a Notice and Order dated February 10, 1998, was issued by the Chief Building Official to repair or demolish the substandard structure located on said premises, and said Notice and Order stipulated that building permits were to be secured and work was to physically commence within thirty (30) days of the date of the Notice and Order, and said Notice and Order also stipulated that repairs or demolition were to be completed no later than March 25, 1998, and

WHEREAS, the structure was reposted with a Notice to Vacate on February 12, 1998, and

WHEREAS, said Notice and Order of February 10, 1998, was mailed by certified mail, postage prepaid, return receipt requested to the record owner(s) and the holder of the deed of trust of record, to the last address listed in the County of Stanislaus Property Tax records, pursuant to Section 401.3 of the Dangerous Building Code, and

WHEREAS, the certified mailing was returned undeliverable and attempts to locate Bernie L. Shaw, owner of the premises, through a local real estate agent who is currently listing the property for sale, as well as municipal utility records, county property account records, and

Department of Motor Vehicle records have proved unfruitful, and

WHEREAS, the structure is extensively fire damaged and has been declared unsafe by the Chief Building Official of the City of Modesto, and

WHEREAS, the record owner(s) failed to appeal from the Notice and Order of February 10, 1998, and

WHEREAS, the owner(s) of said premises has failed to obtain building permits or commence work within the time specified in said Notice and Order and, therefore, the owner(s) is now in violation of Section 701.3 of the Dangerous Building Code of the City of Modesto, and

WHEREAS, the record owner(s) has failed to make a timely choice of repair or demolition, and

WHEREAS, the premises are presently vacant and unsecured, and in its present condition the structure is likely to partially or completely collapse, and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance, and

WHEREAS, the owner(s) has been served with a Notice and Order to Repair or Demolish, by virtue of posting the Order on the property on February 12, 1998, and has failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, and

WHEREAS, due to lack of maintenance and abandonment, the premises constitute a public safety and health hazard and is deemed unsafe as defined by Sections 302.1(c), 302.1(d), 302.1(f), 302.1(j), 302.1(k), 302.1(m), 302.1(o), and 302.1(q), of the City of Modesto's Dangerous

Building Code. If owner(s) fails to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and holder of deed of trust of record, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, October 6, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto commonly referred to as 930 Seventh Street and 710 "J" Street, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate such nuisance and to recover from the record owners of the premises the cost of abatement incurred by the City of Modesto,

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

1. That the findings of the Chief Building Official of the City of Modesto are hereby confirmed that the premises constitutes a public safety and health hazard and is deemed unsafe as defined by Sections 302.1(c), 302.1(d), 302.1(f), 302.1(j), 302.1(k), 302.1(m), 302.1(o), and 302.1(q), of the City of Modesto's Dangerous Building Code and is a public and attractive nuisance as defined by Sections 302.1(k) and 302.1(q) of the Code as more fully described and contained in the Notice & Order dated February 10, 1998, a true and correct copy of which is on file with the Community Development

Department of the City of Modesto;

2. That the owner(s) of the premises has failed to appeal from the Notice and Order to Repair or Demolish dated February 10, 1998, or any action of the Building official, within the time specified in the Notice and Order and as required by the City of Modesto;

3. That the owner(s) of the premises has failed to secure required building permits and physically commence work within thirty (30) days from the date of the Notice and Order to Demolish dated February 10, 1998;

4. That the record owner(s) has failed to make a timely choice of repair or demolition;

5. That it is not economically feasible for the City of Modesto to abate such nuisance by repair;

6. That the premises are declared to be a public nuisance, and it is ordered that the structure be demolished pursuant to Section 401.2.3.3.3 of the Dangerous Building Code;

7. That the record owner(s) of the premises is ordered to abate such nuisance by demolition of the buildings and structures declared to be a nuisance within thirty (30) days from the date said resolution is posted on the premises and served on record owner(s).

8. That the Chief Building Official of the City of Modesto, or a licensed contractor hired by him, is ordered to proceed to abate the public nuisance by demolition of the buildings and structures thereon by razing and removing same unless the nuisance is abated by the record owner(s) within thirty (30) days, or any extension thereof granted, from the date the resolution ordering abatement is posted on the premises and served on the record owner(s) of the premises;

9. That the Chief Building Official of the City of Modesto is ordered to (a) keep an itemized account of the expenses incurred by the City of Modesto in connection with abatement of the nuisance on the premises to include the cost of abatement and related administrative costs, (b) post on the premises a verified statement evidencing the total cost of abatement together with a notice of the time and place such statement shall be submitted to the City Council for consideration, approval and confirmation, and serve the verified

statement on the record owner(s) in accordance with Sections 901 and 902 of the Dangerous Building Code.

BE IT FURTHER RESOLVED that the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 98-530 declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 98-530 declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the building so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in the Dangerous Building Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-531

Print

A RESOLUTION DECLARING THE BUILDINGS AND STRUCTURES LOCATED AT 608 EAST COOLIDGE A NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS.

WHEREAS, Wendell L. Thompson, owner of property located at 608 East Coolidge, hereinafter referred to collectively as the "premises", is deceased, and

WHEREAS, Charlotte F. Thompson is one of the heirs of Wendell L. Thompson, and

WHEREAS, the premises at 608 East Coolidge consists of a residential dwelling, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Uniform Housing Code and Modesto Municipal Code Section 9-9.01 to enforce all provisions of the Housing Code including authority to inspect any building intended or designed for human habitation and order that any such building determined to be substandard under the Housing Code be declared a public nuisance and order the record owner(s) to abate the nuisance by repair or demolition, and

WHEREAS, from June of 1994 through June of 1997, six fires have occurred on the premises, and

WHEREAS, an inspection of the premises was conducted by the City of Modesto Fire Marshall, who then filed a complaint with the Development Services Division of the Community Development Department, and

WHEREAS, on June 17, 1997, the property was inspected and found to be burned beyond repair, the last fire on June 2, 1997, having left the house in an unrepairable state, and

WHEREAS, the single-family structure is open and unsecured due to the fire, and

WHEREAS, a Notice and Order to Repair or Demolish dated June 26, 1997, was issued by the Chief Building Official to repair or demolish the structure located on said premises, and said Notice and Order stipulated that the required permits for repair or demolition were to be obtained and work was to physically commence within 60 days, and

WHEREAS, said Notice and Order to Repair or Demolish of June 26, 1997, was mailed to the heirs of owner(s) by certified mail, postage prepaid, return receipt requested in care of Charlotte F. Thompson and to the holder of the deed of trust of record, pursuant to Section 1101.4 of the Uniform Housing Code, and

WHEREAS, the heirs of the record owner(s) failed to appeal from the Notice and Order of June 26, 1997, and

WHEREAS, the heirs of the owner(s) of said premises have failed to obtain a demolition permit or commence work within the time specified in said Notice and Order and, therefore, the heirs of owner(s) are now in violation of Section 1401.1 of the Housing Code of the City of Modesto, and

WHEREAS, the premises are presently open and unsecured, floors and walls are unsafe, and the chimney and roof are unstable and unsupported, and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance, and

WHEREAS, the heirs of the owner(s) have been served with a Notice and Order to Repair or Demolish and have failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, and

WHEREAS, pursuant to 25 California Code of Regulations, Section 66, which provides for abatement of private property found to be substandard as defined by Section 17920.3 of the Health and Safety Code, if owner(s) fail to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to the heirs of the record owner(s) and holder of deed of trust of record, pursuant to 25 California Code of Regulations, Sections 58 and 60, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, October 6, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto, commonly referred to as 608 East Coolidge, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate such nuisance and to recover from the record owner(s) of the premises the cost of abatement incurred by the City of Modesto,

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

1. That the findings of the Chief Building Official of the City of Modesto are hereby confirmed that the premises referred to as 608 East Coolidge are

substandard as defined by Section 17920.3, State of California Health and Safety Code and Housing Code of the City of Modesto Section 202, and that said property has been determined to be a nuisance as defined by Section 17920, State of California Health and Safety Code and Housing Code of the City of Modesto, Sections 202 and 1001.4;

2. That the heirs of the owner(s) of said premises have failed to appeal from the Notice and Order to Repair or Demolish dated June 26, 1997, or any action of the Building Official, within the time specified in the Notice and Order as required by Section 9-9.04 of the Housing Code of the City of Modesto;

3. That the heirs of the owner(s) of the premises have failed to secure required building permits and physically commence work within sixty (60) days from the date of the Notice and Order to Demolish dated June 26, 1997;

4. That the heirs of the record owner(s) have failed to make a timely choice of repair or demolition;

5. That it is not economically feasible for the City of Modesto to abate such nuisance by repair;

6. That the premises are declared to be a public nuisance, and it is ordered that the structure be demolished pursuant to Section 1101.2.3.3.3 of the Housing Code.

7. That the heirs of the record owner(s) of the premises are ordered to abate such nuisance by demolition of the buildings and structures declared to be a nuisance within thirty (30) days from the date said resolution is posted on the premises and served on the heirs of the record owner(s);

8. That the Chief Building Official of the City of Modesto, or a licensed contractor hired by him, is ordered to proceed to abate the public nuisance by demolition of the buildings and structures thereon by razing and removing same unless the nuisance is abated by the heirs of the record owner(s) within thirty (30) days, or any extension thereof granted, from the date the resolution ordering abatement is posted on the premises and served on the heirs of the record owner(s) of the premises;

9. That the Chief Building Official of the City of Modesto is ordered to (a) keep an itemized account of the expenses incurred by the City of Modesto in connection with abatement of the nuisance on the premises to include the cost of abatement and related administrative costs, (b) post on the premises

a verified statement evidencing the total cost of abatement together with a notice of the time and place such statement shall be submitted to the City Council for consideration, approval and confirmation, and serve the verified statement on the heirs of the record owner(s) in accordance with 25 California Code of Regulations Section 70.

BE IT FURTHER RESOLVED that pursuant to 25 California Code of Regulations, should it be necessary, the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 98-531, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 98-531, declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the heirs of the person(s) owning the land on which the buildings are located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. That the officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in 25 California Code of Regulations, Section 58.

That the foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-532

A RESOLUTION DECLARING THE BUILDINGS AND STRUCTURES LOCATED AT 117 MAPLE STREET A NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS.

WHEREAS, K & K Investment Company, has title to and is the record owner of property located at 117 Maple Street in the City of Modesto, County of Stanislaus, hereinafter referred to collectively as the "premises", and

WHEREAS, the premises at 117 Maple Street consists of a single-family residence and an attached garage, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Uniform Housing Code and Modesto Municipal Code Section 9-9.01 to enforce all provisions of the Housing Code including authority to inspect any building intended or designed for human habitation and order that any such building determined to be substandard under the Housing Code be declared a public nuisance and order the record owner(s) to abate the nuisance by repair or demolition, and

WHEREAS, on or about June 22, 1998, a structure fire at the residence resulted in heavy damage to the garage and moderate damage to the attic and kitchen area of the residence, and

WHEREAS, the premises are vacant and unsecured, and

WHEREAS, a Notice and Order to Repair or Demolish dated June 27, 1998, was issued by the Chief Building Official to repair or demolish the substandard structure located on said premises, and said Notice and Order stipulated that building permits were to be secured and work was to physically commence within ten (10) days from the date of the Notice and Order, and said

Notice and Order also stipulated that repairs or demolition were to be completed no later than August 15, 1998, and

WHEREAS, said Notice and Order dated June 27, 1998, was mailed by certified mail, postage prepaid, return receipt requested to record owner(s) and the holder of the deed of trust of record, to the last address listed in the County of Stanislaus Property Tax records, pursuant to Section 1101.4 of the Uniform Housing Code, and

WHEREAS, a Certificate of Existence of a Non-Complying and Uncompleted Building was recorded on June 29, 1998, with the Stanislaus County Recorder's Office confirming the existence of substandard buildings and dwelling units on the premises pursuant to Section 1102 of the Uniform Housing Code, and

WHEREAS, the record owner(s) failed to appeal from the Notice and Order of June 27, 1998, and

WHEREAS, the owner(s) of said premises has failed to obtain building permits or commence work within the time specified in said Notice and Order and, therefore, the owner(s) are now in violation of Section 1401.1 of the Housing Code of the City of Modesto, and

WHEREAS, the record owner(s) has failed to make a timely choice of repair or demolition, and

WHEREAS, the premises are presently vacant and unsecured, and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance, and

WHEREAS, it does not appear that it is feasible to repair the property, and

WHEREAS, the owner(s) has been served with a Notice and Order to Repair or Demolish, by virtue of posting the Order on the property on September 15, 1998, and has failed to either commence repair or demolition of the premises within the times specified in the Notice and Order, and

WHEREAS, pursuant to 25 California Code of Regulations, Section 66, which provides for abatement of private property found to be substandard as defined by Section 17920.3 of the Health and Safety Code, if owner(s) fails to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to record owner(s) and holder of deed of trust of record, pursuant to 25 California Code of Regulations, Sections 58 and 60, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, October 6, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto commonly referred to as 117 Maple Street, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate such nuisance and to recover from the record owner(s) of the premises the cost of abatement incurred by

the City of Modesto,

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

1. That the premises commonly referred to as, 117 Maple Street, hereinafter referred to collectively as the "premises", have been inspected and duly posted with a copy of a Notice and Order to Repair or Demolish dated June 27, 1998, and a copy of said notice has been mailed by certified mail to the owner(s)s of the property in accordance with 25 California Code of Regulations, Sections 54 and 58, and Sections 1101.2 and 1101.3 of the Housing Code of the City of Modesto.

2. That the owner(s) of record has failed to appeal from the Notice and Order to Repair or Demolish dated June 27, 1998, or any action of the Building Official within the time specified in the Notice and Order as required by Section 9-9.04 of the Housing Code of the City of Modesto .

3. That the premises at 117 Maple Street are substandard as defined by Section 17920.3, State of California Health and Safety Code and Housing Code of the City of Modesto Section 202, and has been determined to be a nuisance as defined by Section 17920, State of California Health and Safety Code, and Housing Code of the City of Modesto, Sections 202 and 1001.4 .

4. That the owner(s) of the property located at 117 Maple Street has failed to secure the required building permits and physically commence work within sixty (60) days from the date of the Notice and Order to Repair or Demolish dated June 27, 1998, pursuant to Section 1101.2 of the Housing Code of the City of Modesto.

5. That the owner(s) of record has failed to make a timely choice of repair or demolition.

6. That it is not economically feasible for the City of Modesto to abate the nuisance by repair.

7. That in the event the property owner(s) fails to timely abate the nuisance, the City of Modesto shall acquire jurisdiction to abate such nuisance by razing and removing the buildings and structures so declared to constitute a nuisance and to recover from property owner(s) the costs incurred in connection with abatement, including administrative costs incurred. If the full amount of

abatement costs are not paid by property owner(s), the unpaid cost shall constitute a lien against the property until it is paid, with interest thereon at the rate of six (6%) percent per annum from the date of confirmation of the cost statement. The City of Modesto shall record such lien against the property in the Office of the Stanislaus County Recorder. 25 California Code of Regulations Sections 62, 66, and 70.

BE IT FURTHER RESOLVED that pursuant to 25 California Code of Regulations, should it be necessary, the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 98-532, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 98-532, declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the building so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the person(s) owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in 25 California Code of Regulations, Section 58.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	Conrad
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-533

Print

A RESOLUTION DECLARING THE BUILDINGS AND STRUCTURES LOCATED AT 712 EMPIRE AVENUE A NUISANCE AND DIRECTING THE OWNER(S) OF THE PROPERTY TO ABATE THE NUISANCE WITHIN THIRTY (30) DAYS.

WHEREAS, Velma S. Grove, the owner of the property at 712 Empire Avenue, hereinafter referred to collectively as the "premises", is deceased, and

WHEREAS, Charles Bagwell is the heir and executor of the estate for the property located at 712 Empire Avenue, and

WHEREAS, the premises at 712 Empire Avenue consists of a single-family dwelling and a detached garage, and

WHEREAS, the property is located in the Airport Neighborhood target area and was inspected in 1995, and

WHEREAS, the Chief Building Official of the City of Modesto is authorized by the Uniform Housing Code and Modesto Municipal Code Section 9-9.01 to enforce all provisions of the Housing Code including authority to inspect any building intended or designed for human habitation and order that any such building determined to be substandard under the Housing Code be declared a public nuisance and order the record owner(s) to abate the nuisance by repair or demolition, and

WHEREAS, an inspection of the premises was conducted by City of Modesto Building Inspection personnel on October 30, 1995, and

WHEREAS, the buildings have been unsecured and open in the past, and in January 1996, the City secured the building by boarding it up, and

WHEREAS, the property has not been maintained and has many deficiencies rendering it substandard, and

WHEREAS, a Notice and Order to Repair or Demolish dated October 30, 1995, was issued by the Chief Building Official to repair or demolish the substandard structure located on said premises, and said Notice and Order stipulated that building permits were to be secured and work was to physically commence within sixty (60) days of posting of the Notice and Order, and said Notice and Order also stipulated that repairs or demolition were to be completed no later than October 26, 1996, and

WHEREAS, said Notice and Order of October 30, 1995, was mailed by certified mail, postage prepaid, return receipt requested to the heir and executor of the record owner(s) and the holder of the deed of trust of record, pursuant to Section 1101.4 of the Uniform Housing Code, and

WHEREAS, a Certificate of Existence of a Non-Complying and Uncompleted Building was recorded on May 14, 1998, with the Stanislaus County Recorder's Office confirming the existence of substandard buildings and dwelling units on the premises pursuant to Section 1102 of the Uniform Housing Code, and

WHEREAS, the heir and executor of record owner(s) failed to appeal from the Notice and Order of October 30, 1995, and

WHEREAS, the heir and executor of record owner(s) of said premises has failed to obtain building permits or commence work within the time specified in said Notice and Order and, therefore, the heir and executor of owner(s) is now in violation of Section 1401.1 of the Housing Code of the City of Modesto, and

WHEREAS, the heir and executor of record owner(s) has failed to make a timely choice of repair or demolition, and

WHEREAS, the premises are presently vacant and unsecured, and

WHEREAS, the property continues to deteriorate and constitutes a public nuisance, and

WHEREAS, pursuant to 25 California Code of Regulations, Section 66, which provides for abatement of private property found to be substandard as defined by Section 17920.3 of the Health and Safety Code, if owner(s) fails to abate the nuisance within thirty (30) days from the date of posting of this resolution, the City may take jurisdiction to abate the nuisance and place a lien on the property to recover the City's costs, and

WHEREAS, a "Notice to Abate Nuisance" was mailed by certified mail, postage prepaid, return receipt requested, to the heir and executor record owner(s) and holder of deed of trust of record, pursuant to 25 California Code of Regulations, Sections 58 and 60, and

WHEREAS, a "Notice of Public Hearing" was properly posted and served stating that a public hearing would be held by the Council of the City of Modesto, on Tuesday, October 6, 1998, at 7:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, regarding the real property situated in the City of Modesto commonly referred to as 712 Empire Avenue, hereinafter referred to collectively as the "premises", and

WHEREAS, a duly noticed public hearing of the Council was held at the date, time and place as mentioned above, for the purpose to hear and receive evidence to determine whether said premises constitutes a public nuisance, to consider other appropriate action to abate such

nuisance and to recover from the record owners of the premises the cost of abatement incurred by the City of Modesto,

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

1. That the findings of the Chief Building Official of the City of Modesto are hereby confirmed that the premises referred to as 712 Empire Avenue are substandard as defined by Section 17920.3, State of California Health and Safety Code and Housing Code of the City of Modesto Section 202, and that said property has been determined to be a nuisance as defined by Section 17920, State of California Health and Safety Code and Housing Code of the City of Modesto, Sections 202 and 1001.4;

2. That the heir of the owner(s) of said premises has failed to appeal from the Notice and Order to Repair or Demolish dated October 30, 1995, or any action of the Building Official, within the time specified in the Notice and Order as required by Section 9-9.04 of the Housing Code of the City of Modesto;

3. That the heir of the owner(s) of the premises has failed to secure required building permits and physically commence work within sixty (60) days from the date of the Notice and Order to Demolish dated October 30, 1995;

4. That the heir of the record owner(s) has failed to make a timely choice of repair or demolition;

5. That it is not economically feasible for the City of Modesto to abate such nuisance by repair;

6. That the premises are declared to be a public nuisance, and it is ordered that the structure be demolished pursuant to Section 1101.2.3.3.3 of the Housing Code.

7. That the heir of the record owner(s) of the premises is ordered to abate such nuisance by demolition of the buildings and structures declared to be a nuisance within thirty (30) days from the date said resolution is posted on the premises and served on the heir of the record owner(s);

8. That the Chief Building Official of the City of Modesto, or a licensed

contractor hired by him, is ordered to proceed to abate the public nuisance by demolition of the buildings and structures thereon by razing and removing same unless the nuisance is abated by the heir of the record owner(s) within thirty (30) days, or any extension thereof granted, from the date the resolution ordering abatement is posted on the premises and served on the heirs of the record owner(s) of the premises;

9. That the Chief Building Official of the City of Modesto is ordered to (a) keep an itemized account of the expenses incurred by the City of Modesto in connection with abatement of the nuisance on the premises to include the cost of abatement and related administrative costs, (b) post on the premises a verified statement evidencing the total cost of abatement together with a notice of the time and place such statement shall be submitted to the City Council for consideration, approval and confirmation, and serve the verified statement on the heir of the record owner(s) in accordance with 25 California Code of Regulations Section 70.

BE IT FURTHER RESOLVED that pursuant to 25 California Code of Regulations, should it be necessary, the City Council has the authority to exercise jurisdiction to abate the public nuisance and to place a lien on the property to recover the City's costs of such abatement, should the Council decide to take such proceedings.

BE IT FURTHER RESOLVED that the City Clerk shall cause to be posted on the premises a notice of the passage of this Resolution No. 98-533, declaring a nuisance and directing abatement of the nuisance.

BE IT FURTHER RESOLVED that within thirty (30) days after passage of this Resolution No. 98-533 declaring a nuisance and directing abatement of the nuisance, the City Clerk shall cause to be posted a copy of said resolution conspicuously on the buildings so declared to be a nuisance and mail another copy of the resolution by registered mail, postage prepaid, return receipt requested, to (1) the heir and executor of the person(s) owning the land on which the

buildings are located as such person's name and address appear on the last equalized assessment roll or as known to the City Clerk, and (2) to each mortgagee or beneficiary under any deed of trust of record, at the last known address of such mortgagee or beneficiary. The officer or employee giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in 25 California Code of Regulations, Section 58.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-534

Print

A RESOLUTION APPROVING THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR FY 1997-98, AND AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SUBMISSION OF SAID REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND APPROVING RELATED RECOMMENDATIONS RELATED TO EXPENDITURE OF CDBG FUNDS.

WHEREAS, the Community Development Block Grant, the HOME Program, and the Emergency Shelter Grant programs are administered by the Community Development Department (Office of Housing and Neighborhoods), and

WHEREAS, regulations for said programs require the City to review and report on the performance of the various activities and projects funded by these grants on an annual basis, and

WHEREAS, a report presented to the City Council reflects the activity of the City and its sub-recipients for the period from July 1, 1997, through June 30, 1998, and

WHEREAS, City staff made recommendations as set forth in a staff report to the Citizens Housing and Community Development Committee, dated September 18, 1998, which was considered by the Council on October 6, 1998, a copy of which report is attached hereto and on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Consolidated Annual Performance and Evaluation Report for FY 1997-98, and authorizes the City Manager to execute all necessary

documents for submission of the Report of the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED that the recommendations set forth in the attached staff report are hereby approved relating to expenditure of CDBG funds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Freidman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
AGENDA REPORT

AGENDA ITEM NUMBER
COUNCIL MEETING OF: 10/06/98

September 18, 1998

TO: Citizen's Housing and Community Development Committee

FROM: Stephen Young, Housing and Neighborhoods Manager

RE: **Public Hearing on the Consolidated Annual Performance and Evaluation Report for FY1997-98**

RECOMMENDED COUNCIL ACTION:
Resolution approving the Consolidated Annual Performance and Evaluation Report; authorizing the City Manager to execute all necessary documents for the sumission of the Report to the U.S. Department of Housing and Urban Development. In addition, approve related recommendations related to expenditure of CDBG funds.

BACKGROUND:
The Community Development Block Grant (CDBG), the HOME Program,and the Emergency Shelter Grant (ESG) programs are administered by the Community Development Department (Office of Housing and Neighborhoods). Regulations for these programs require the City to review and report on the performance of the various activities and projects funded by these grants on an annual basis. The attached report reflects the activity of the City and its sub-recipients for the period from July 1, 1997 through June 30, 1998.

The City Council adopted the Consolidated Plan for Housing and Community Development in May 1995. Every year, the City prepares an Annual Action Plan which describes the way the City will meet the community development needs identified in the Consolidated Plan. The FY97-98 Annual Action Plan was adopted by City Council in May 1997. It is the progress towards the goals and objectives identified in that plan that this report is intended to review. Overall, the City met (or made progress towards meeting) most of the identified goals.

Among the highlights of the program year were: the rehabilitation of 42 housing units; Down Payment Assistance loans to 123 households; allocations of affordable housing developments (including Ashowood Village and Brighton Place); the receipts of over $500,000 in program income from the City's housing and small business loan portfolio; and the provision of nearly $500,000 to local nonprofit service providers for the provision of a variety of public services.

The Department did experience difficulties in expending all of the allocated funds, however. The un-expended balance in the CDBG program on June 30, 1998 was $3.6 million. Attachment 1 shows how that $3.6 million has been budgeted in the current year's program.. $1.4 million of that figure is for the completion of the Airport neighborhood street improvements, a project that is now undeway. The project was delayed due to conflicting demands on the Engineering Department's time with higher priority projects, which delayed the design work. While the Department monitors the performance of non-profit and other public agencies under the public service section of the program, we should also treat our internal customers with the same expectations and scrutiny. Accordingly, staff is recommending that the City adopt a policy that states that CDBG-funded CIP projects may be carried forward for no more than one year, and that (consistent with the new ABS system) the Department be authorized to contract with outside engineering and design firms so that authorized and budgeted CIP projects funded with CDBG funds do not languish.

There was also higher than anticipated program income in the housing rehabilitation program coupled with lower number of loans due in part to inclement weather as well as re-assignment of rehabilitation staff to other neighborhood-based services. As a result, there is a minimum of $300,000 that could be re-allocated by Council to other eligible CDBG activities.

To see that this problem of slow expenditures does not re-occur, staff is recommending the following:

- CHCDC and City Council to re-examine CDBG funding priorities prior to December, 1998
- Based on the new priorities adopted by Council, re-program funds (minimum $300,000) in non-public service funds at mid-year budget adjustment.
- Adopt policy allowing for contracting for engineering and design services for CDBG-funded CIP projects delayed for more than one year.

There are many areas and projects that could benefit from a re-allocation of funds: additional funds may be required for the completion of the 620 Paradise project; co-operation with the Housing Authority on a joint effort to revitalize Randazzo Avenue; Prescott Estates; other affordable housing projects which did not receive full funding as well as other projects such as multi-family project in Village One; acquisition, demolition of deteriorated properties as well as creation of new home-ownership; workforce development project; additional street re-surfacing;etc.

HUD regulations require that the City solicit citizen input on the programs' performance and hold a public hearing. A Public Notice was printed in the Modesto Bee on September 5 & 6, 1998, and copies of the report were made available at the Office of Housing and Neighborhoods. On September 25, 1998, the Citizens Housing and Community Development Committee (CH&CDC) met and reviewed the report.

REASON FOR RECOMMENDED ACTION:

Approval of the recommended action will allow the City to submit the required report to HUD within the statutory deadline (90 days from the end of the program year). Approval of the related recommendations relative to expenditures and the re-examination of CDBG priorities will assure that CDBG funds are being utilized in ways that best serve the interests of low and moderate income Modesto residents.

STEPS FOLLOWING APPROVAL:

Staff will forward the report to the City Manager for signature, and the report will be submitted to HUD for their review and evaluation. The CHCDC and City Council will meet and discuss the appropriate uses to which limited CDBG funds should be put. CHCDC will recommend, and Council will act upon, the re-allocation of CDBG funds based on the adopted priorities, at the mid-year Budget adjustment.

Prepared By: _____
Stephen Young
Housing and Neighborhoods Manager

Approved By: _____
Philip A. Testa
Community Development Director

Submitted By: _____
J. Edward Tewes
City Manager

Attachment: Consolidated Annual Performance & Evaluation Report for Fiscal Year 1997-98

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-535

A RESOLUTION REVISING THE STRUCTURE AND RATE SCHEDULE FOR WATER CUSTOMERS IN ZONE 3, SERVING SALIDA, WATERFORD, HICKMAN, GRAYSON, AND PARTS OF DEL RIO, CERES AND TURLOCK, AND APPROVING A FIRE STANDBY SURCHARGE FOR THE TURLOCK CUSTOMERS. (FORMER DEL ESTE COMPANY CUSTOMERS)

WHEREAS, on July 7, 1995, the City acquired the Del Este Water Company, and

WHEREAS, by Resolution No. 96-302, adopted on June 4, 1996, the Council established the structure and rate schedule for water customers in Zone 3 serving Ceres, Turlock, Waterford, Hickman, Grayson, Salida, Del Rio and certain county areas and each customer class, and

WHEREAS, the annual review of water rates indicated that higher rates were necessary to cover the cost of service in Zone 3 of the water system, and

WHEREAS, City staff has recommended a 15% across-the-board water rate increase in order to cover operating costs in Zone 3, and

WHEREAS, on May 26, 1998, the City of Turlock adopted a $21,000 per year fire standby charge to supply backup fire supply to the three former Del Este service areas in Turlock, which includes 418 Zone 3 customers, and results in a $4.19 charge per month per customer, and

WHEREAS, the $4.19 per month fire standby surcharge for the Turlock customers will be in addition to the 15% Zone 3 across-the board increase, and

WHEREAS, City staff has recommended that the Turlock fire standby charge be tracked separately as a surcharge for Turlock customers, and

WHEREAS, on July 7, 1998, the Utility Services and Franchises Committee reviewed the staff recommendation for a 15% across-the-board increase to Zone 3 water customers, and a $4.19 per month fire standby surcharge for the Turlock customers, and approved staff's recommendation, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on October 6, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed 15% across-the-board increase to Zone 3 water customers, and a fire standby surcharge for the Turlock customers,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that user charges for all customers in Zone 3 serving Salida, Waterford, Hickman, Grayson, and parts of Del Rio, Ceres and Turlock (former Del Este Company customers) be increased by fifteen (15%) percent, the resulting rates being shown on the attached Schedule A.

BE IT FURTHER RESOLVED that Turlock customers will be charged $4.19 per month for fire standby charges, in addition to the fifteen (15%) percent, across-the-board increase, and this item will be tracked separately as a surcharge.

BE IT FURTHER RESOLVED this resolution shall become effective October 6, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

SCHEDULE A

CITY OF MODESTO
RATE STRUCTURE AND RATES
FOR FORMER DEL ESTE WATER COMPANY CUSTOMERS
Effective October 6, 1998

	ZONE 2	ZONE 3
SCHEDULE 1- Metered Water, per month		
Quantity Rates		
First 10,000 cubic feet	$1.005	$0.601
Over 10,000 cubic feet	$0.971	$0.552
Service Charge, by service size		
5/8 inch	$5.80	$ 7.87
3/4 inch	$8.12	$ 11.12
1 inch	$10.17	$ 13.94
1-1/2 inch	$ 15.53	$ 21.09
2 inch	$ 21.09	$ 28.54
3 inch	$ 33.73	$ 45.61
4 inch	$ 51.58	$ 69.22
6 inch	$ 83.08	$111.29
8 inch	$119.27	$159.36
10 inch	$180.55	$241.79
12 inch	$219.36	$293.88
SCHEDULE 2 - Single Family Residential Flat Rate, by lot size, per month		
0-6,000 SF	$ 24.61	$ 15.63
6,001-10,000 SF	$ 28.58	$ 18.25
10,001-16,000 SF	$ 34.30	$ 21.80
16,001-25,000 SF	$ 41.11	$ 26.08
Over 25,000 SF	$ 50.73	$ 32.21
SCHEDULE 3 - Modesto Fire Protection Service, per month		
Per inch diameter	$ 4.28	$ 5.95
SCHEDULE 4 - Turlock Fire Standby Charge, per month		
Applies to Zone 3 customers within Turlock city limits	NA	$ 4.19

Notes:
1. Includes DWR and MID obligations.
2. Zone 1 is Modesto water customers not previously served by Del Este Water Company.
3. Connection charges per existing City fee schedule.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-536

Print

A RESOLUTION APPROVING A POLICY FOR PROVIDING SINGLE-FAMILY RESIDENTIAL WATER METERED CUSTOMERS IN ZONE 2 AND ZONE 3 A ONE-TIME OPTION TO CONVERT TO THE CORRESPONDING FLAT RATE, ACCORDING TO LOT SIZE.

WHEREAS, between 1992 and 1995, the Del Este Water Company installed water meters and billed new, single-family residential customers on a metered basis, and

WHEREAS, during the same time period, the City of Modesto installed water meters for the City-owned system (now Zone 1), but continued billing on a flat rate, and

WHEREAS, the City of Modesto acquired Del Este Water on July 7, 1995, and thereafter applied flat rates to new, single-family residential water customers in Zone 2 and Zone 3, and

WHEREAS, in September 1998, the Utility Services and Franchises Committee learned that this situation had resulted in a large difference between metered and flat rate customers in Zone 3, which is the service area that includes Salida, Waterford, Hickman, Grayson, and parts of Del Rio, Ceres, and Turlock, and

WHEREAS, City staff recommended that Zone 2 and Zone 3 single-family residential water metered customers, which are in the service areas that include properties that were formerly served by the Del Este Water Company, be provided a one-time option to convert to the corresponding flat rate, according to lot size, except as in accordance with the City's water conservation policy, and

WHEREAS, City staff further recommended that this one-time option to convert from single-family residential water meters to the corresponding flat rate should become effective on December 1, 1998, to allow a sufficient amount of time in which to develop policy guidelines for converting single-family residential water metered customers in Zone 2 and Zone 3 to flat rate, and to notify customers, receive responses and change the billing computer, and

WHEREAS, the Utility Services and Franchises Committee has recommended a one-time option for single-family residential water metered customers in Zone 2 and Zone 3 to convert to the corresponding flat rate, in accordance with lot size,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a policy providing for a one-time option for single-family residential water metered customers in Zone 2 and Zone 3 to convert to the corresponding flat rate, according to lot size, except as in accordance with the City's water conservation policy.

BE IT FURTHER RESOLVED that the Engineering and Transportation Director, or his designee, is hereby authorized to develop appropriate guidelines to implement the one-time option for single-family residential water metered customers in Zone 2 and Zone 3 to convert to flat rate, according to lot size, except as in accordance with the City's water conservation policy.

BE IT FURTHER RESOLVED that this resolution will become effective on December 1, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Serpa, Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-537

Print

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO CONSIDER SEWER RATE INCREASE FOR 1998-99.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that December 8, 1998, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby set as the time and place for a hearing to consider sewer rate increase for 1998-99.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-538

A RESOLUTION GIVING NOTICE AS PROVIDED BY LAW OF ESTABLISHING A PROPOSED SEWER RATE INCREASE OF 2% TO AFFECTED SEWER RATE PAYERS .

WHEREAS, on October 6, 1998, the City Council considered the staff's recommendation to set a public hearing for December 8, 1998, to consider a sewer rate increase, and

WHEREAS, by Council Resolution No. 98-537 adopted on October 6, 1998, the Council directed the City Clerk to set a public hearing to be held on December 8, 1998, for the purpose of considering a sewer rate increase, and

WHEREAS, City staff recommended that the proposed sewer rate increase be either 4% (the staff recommendation) or, alternatively 2% (the recommendation of the Council Utility Services and Franchise Committee) for all monthly user rates,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposed sewer rate increase to be included in the notice to all sewer rate payers is to be a 2% across-the-board increase, effective January 1, 1999, and City staff is directed to take all necessary steps to provide adequate and legal notice to all affected rate payers as provided for by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-539

A RESOLUTION ESTABLISHING OCTOBER 1ST AS THE TARGET DATE FOR FUTURE ANNUAL RATE REVIEW.

WHEREAS, it is desirable to review any sewer rate equity adjustments concurrently with the annual rate adjustment process, and

WHEREAS, City staff has recommended that the implementation date for any future rate reviews be changed from July 1st to October 1st of each year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that October 1st is hereby established as the target date for future annual rate review.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

10/13/98

W:\LKING\RESOS\RATEREVI.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-540

A RESOLUTION ESTABLISHING A WORKING CAPITAL OBJECTIVE OF $2 MILLION, A THREE-MONTH OPERATING AMOUNT FOR THE SEWER FUND.

WHEREAS, on October 6, 1998, pursuant to a staff report from the Engineering and Transportation Department, dated September 29, 1998, the City Council considered establishing policies and directives related to the Sewer Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a $2 million working capital objective, a three-month operating amount for the Sewer Fund for the development of a multi-year rate plan, is hereby established.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-541

A RESOLUTION APPOINTING ROBERT MAULDIN TO THE GOLF COURSES ADVISORY COMMITTEE

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

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

SECTION 1. Robert Mauldin is hereby appointed to the Golf Courses Advisory Committee.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Golf Courses Advisory Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-542

Print

A RESOLUTION ACCEPTING THE BID OF SOUTHWEST RECREATIONAL INDUSTRIES INC. FOR THE PROJECT TITLED "RENOVATE TENNIS COURTS AT EAST LA LOMA PARK"

WHEREAS, the bids received for Renovate Tennis Courts at East La Loma Park were opened at 11:00 a.m. on September 22, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Southwest Recreational Industries Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Southwest Recreational Industries Inc. for the amount of $65,311.98 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-543

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $9,000 FROM THE PARKS CONTINGENCY RESERVE TO FULLY FUND THE PROJECT

WHEREAS, new surfacing will be installed on four tennis courts at the East La Loma Park which haven't been resurfaced since 1983; and

WHEREAS, funding for contract administration and contingencies were not included in the project budget; and to fully fund the project, $9,000 needs to be appropriated from the Parks Contingency Reserve.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures					Increase (Decrease)
140	800	8000	8003	Contingency Reserve	(9,000)
140	310	J431	6040	E. LaLoma Park – Tennis Courts	$9,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine Brown for
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-544

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF LIGHT EMITTING DIODE (LED) SIGNAL MODULES FROM SYNCHRONEX

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Light Emitting Diode (LED) Signal Modules from Synchronex is hereby waived.

BE IT FURTHER RESOLVED that purchase of Light Emitting Diode Signal Modules from Synchronex for a not to exceed price of $154,951.79.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-545

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND R.P. VENDING SERVICES TO PROVIDE FOOD AND BEVERAGE SERVICE IN THE MODESTO AIRPORT PASSENGER TERMINAL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and R.P. Vending Services to provide food and beverage service in the Modesto Airport passenger terminal be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-546

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS FOR FINANCING REPAIRS AND IMPROVEMENTS TO JOINTLY DEVELOPED FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto City Schools for financing repairs and improvements to jointly developed facilities be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-547

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE A ONE-TIME CONTRIBUTION OF $100,000 TO ADDRESS NEEDS FOR FACILITY ASSESSMENT REPORT

WHEREAS, the City of Modesto and Modesto City Schools have been discussing ways to finance repairs and improvements to facilities that have been jointly developed by these two agencies; and

WHEREAS, staff from each agency has reached an agreement for the City to pay $13,368 over 10 years for a mutually agreed upon list of projects, and a one time contribution of $100,000 to address needs identified in a recent facility assessment report; and

WHEREAS, the City and District will each make an annual contribution of $40,000 to an annual CIP Reserve Fund.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

					Increase (Decrease)
Expenditures					
010	800	8000	8003	Contingency Reserve	(100,000)
010	700	7000	7140	Transfer out to fund 140	$100,000
140	310	K051	6040	School Facility Infrastructure Contribution	$100,000
Revenue					
140	700	7000	9010	Transfer in from 140	$100,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Cathie B
for STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-548

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HIGH COUNTRY HOCKEY INC. FOR IN-LINE HOCKEY PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and High Country Hockey Inc. for In-Line Hockey Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-549

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FIRST INSTITUTE OF STREET TACTICS TO PROVIDE YOUTH SELF-DEFENSE CLASSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and First Institute of Street Tactics to provide youth self-defense classes be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-550

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM O. HARRIS FOR THE ACQUISITION OF PROPERTY LOCATED AT 1734 HILLSIDE DRIVE FOR THE FLOOD PROTECTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William O. Harris for the acquisition of property located at 1734 Hillside Drive for the Flood Protection Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-551

A RESOLUTION RENAMING THAT PORTION OF THE ORIGINAL CLAUS ROAD LOCATED BETWEEN YOSEMITE BOULEVARD ON THE SOUTH AND THE NEW REALIGNED RIGHT-OF-WAY FOR CLAUS ROAD ON THE NORTH TO YOSEMITE MEADOWS DRIVE.

WHEREAS, it is proposed to rename that portion of the original Claus Road located between Yosemite Boulevard on the south and the new realigned right-of-way for Claus Road on the north to Yosemite Meadows Drive, in response to development of the new Claus Road realignment with Garner Road and the resulting new signalized intersection with Yosemite Boulevard, and

WHEREAS, by letter dated September 22, 1998, City staff informed property owners of the proposed street name change and that the existing street number range would remain the same, and

WHEREAS, said matter was considered by the City Council at its meeting held on October 13, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, Section 34091.1 of the Government Code of the State of California provides that when the existing name of any city street should be changed, the legislative body is authorized to adopt a resolution to change the name of existing streets,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby approves the proposal to rename that portion of the original Claus Road

located between Yosemite Boulevard on the south and the new realigned right-of-way for Claus Road on the north to Yosemite Meadows Drive.

BE IT FURTHER RESOLVED that in accordance with Government Code Section 34092 the City Clerk is directed to transmit a certified copy of this resolution to the Stanislaus County Board of Supervisors.

BE IT FURTHER RESOLVED that City staff shall immediately notify affected public agencies, utility companies, school districts, and city departments regarding the name change.

BE IT FURTHER RESOLVED that the City shall replace the street name sign.

BE IT FURTHER RESOLVED that the street name change shall become effective 30 days after its passage and introduction.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-552

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR JAIL BOOKING FEES EFFECTIVE FOR THE CURRENT FISCAL YEAR THROUGH JUNE 30, 2003

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the County of Stanislaus for jail booking fees in the amount of $88.26 per prisoner, effective for the current fiscal year through June 30, 2003 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-553

A RESOLUTION APPROVING ALLOCATION OF FISCAL YEAR 1998/99 HOME FUNDS TO DEVELOPERS FOR AFFORDABLE HOUSING PROJECTS.

WHEREAS, the CITY has received HOME funds from the U.S. Department of Housing and Urban Development to be used for the production or rehabilitation of affordable and/or moderate income housing, and

WHEREAS, the CITY has received six applications for financial assistance in connection with affordable housing proposals, including but not limited to an application from Eden Housing for financial assistance to acquire and rebuild 620 Paradise Road, and

WHEREAS, the CITY, through its Community Development Department, has held a series of meetings to hear and consider the applicants' proposals and has submitted to the City Council a report, dated September 28, 1998, containing the funding requests, an analysis of each project and recommended allocations of HOME funds ("Report"), a copy of which is attached as Exhibit "A" and incorporated herein by reference, and

WHEREAS, staff is recommending that three of the applicants receive HOME funds in the total sum of $818,600, provided the projects meet the conditions as outlined in the Report, and

Corrected 11/5/98

WHEREAS, approval of these recommended allocations furthers the CITY's goal to provide affordable housing to its citizens and is consistent with the authorized use of HOME funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an allocation of $818,600 in HOME funds for affordable housing projects is hereby approved as follows, subject to all terms and conditions set forth in the attached Report:

1. A long term, deferred interest residual receipts loan of up to $606,000 to Eden Housing, Inc., for a 148-unit family rental housing project, affordable to low and very-low income households, at 620 Paradise Road;

2. A long term, deferred interest loan of up to $146,000 in CHDO set-aside funds to STANCO for acquisition and rehabilitation of either the 16-unit Byron Lane apartment complex or the 28-unit Candlewood apartment complex;

3. An operating grant of up to $29,000, a pre-development loan of up to $14,600, and an acquisition loan of up to $23,000 to Desarrollo Latino-Americano (DLA).

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the approval of said allocation of said HOME funds.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 13th of October 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Smith, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Corrected 11-5-98

WHEREAS, approval of these recommended allocations furthers the CITY's goal to provide affordable housing to its citizens and is consistent with the authorized use of HOME funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an allocation of $818,600 in HOME funds for affordable housing projects is hereby approved as follows, subject to all terms and conditions set forth in the attached Report:

1. A long term, deferred interest loan of up to $606,000 to Eden Housing, Inc., for a 148-unit family rental housing project, affordable to low and very-low income households, at 620 Paradise Road;

2. A long term, deferred interest loan of up to $146,000 in CHDO set-aside funds to STANCO for acquisition and rehabilitation of either the 16-unit Byron Lane apartment complex or the 28-unit Candlewood apartment complex;

3. An operating grant of up to $29,000, a pre-development loan of up to $14,600, and an acquisition loan of up to $23,000 to Desarrollo Latino-Americano (DLA).

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the approval of said allocation of said HOME funds.

CITY OF MODESTO AGENDA REPORT	AGENDA ITEM NUMBER COUNCIL MEETING OF: 10/13/98

September 28, 1998

To: Mayor and City Council
Modesto Redevelopment Agency

From: Steve Young, Housing and Neighborhoods Manager

Re: Recommendations of Allocation of HOME and Redevelopment Agency funds for Affordable Housing Applications

Recommendation: Resolution approving allocation of HOME and Redevelopment Agency funds in the amounts shown below and authorization for City Manager and Executive Director to execute all necessary documents.

Background: Each year the City receives HOME funds from HUD, the bulk of which are awarded on a competitive basis for affordable housing projects. This year, the City has made available $829,000 in HOME funds for affordable housing projects. In addition there is $355,000 available from the Redevelopment Agency's 20% Housing Set-Aside fund, which the Agency will be asked to allocate on their agenda on the same date.

Applications were received from six applicants for a total varying between $2.4 million and $4.5 million.

On August 21, a joint meeting was held between the CHCDC and the Redevelopment Agency's Housing Committee for the purpose of hearing proposals from the six applicants for financial assistance for affordable housing. Additional meetings were held by the Housing Committee of the Redevelopment Advisory Commission on September 24, the Citizen's Housing and Community Development Committee on September 30, and the Redevelopment Advisory Commission on October 7. The recommendations below reflect those of staff and the committees, unless otherwise noted. Attached is a summary of each application (Exhibit A). The full applications, along with written responses to staff inquiries, is available on file.

EXHIBIT A

1. **Eden Housing, Inc.**-Eden Housing is proposing to acquire the property at 620 Paradise Road, to demolish the 172 deteriorated units and rebuild 148 units, with some larger units. The project would also include a community center and day care center. They have presented a variety of approaches and financing options, and we believe there are two viable options at this time.

Staff feels that this is the top priority project for a variety of reasons, most of them based on the long and troubled history of the project and the negative impact it continues to have on the neighborhood and the entire West Side. In addition, Eden Housing is a very experienced non-profit developer with a sterling reputation who does very high quality projects. Staff has worked with Eden to reduce the cost and scope of this project, and the summary reflects the revised development and operating pro-formas.

The project is still extremely costly, and may be beyond the ability of the City to finance. The best possible approach at this time is to provide Eden with a committment of enough funds to allow them to apply for 9% tax credits through the State Tax Credit Allocation Committee. This process is both competitive and largely a matter of luck, as most of the projects are approved in a lottery. However, Eden has been very successful in these competitions.

The City does have enough funds to cover the indicated funding gap in the event of a successful 9% tax credit application. If Eden is successful, this will be a transforming project for both the City and the neighborhood and is too important an opportunity to pass up. Accordingly, staff recommends $606,000 in HOME funds and $215,000 in RDA funds for a total of $821,000. Staff recommends that the Agency also commit that up to $100,000 of the RDA allocation to Eden be available to cover some pre-development expenses necessary to prepare the tax credit application. It is recommended that the Agency agree to reimburse Eden for out-of-pocket expenses paid to third parties for costs associated with the tax credit application. If the project does not come to fruition, these funds would be lost.

If Eden is not successful at the 9% tax credit application round, the alternative means of financing the project is through a tax-exempt bond issue and the use of 4% tax credits. This type of financing is much more secure, but the gap financing required of the City goes from $821,000 to nearly $3 million. At this time, we have not identified how we would raise those extra funds, however there will be some unexpended CDBG funds that the Council will be asked to allocate to eligible projects in the next few months. In addition, the City and Agency will have additional HOME funds next year, and Eden could possibly secure a bridge loan based on a committment of future funds from the City.

The allocation to Eden should be made subject to the following conditions:

1. Eden to submit copy of purchase agreement no later than December 15, 1998; with copy of appraisal supporting sales price withing 60 days of signed purchase agreement;
2. Eden to apply for and receive 9% tax credits.
3. City and Agency loans to be for 40 years, 3% interest, deferred payment loans with residual receipts note.

2. STANCO/Metro Development- There are actually two applications submitted in connection with STANCO. The first, from STANCO directly, is for the acquisition of the 16 unit Byron Lane apartments. In a separate application, Metro Development has requested funds to rehabilitate the 28 unit Candlewood apartments on Tully Drive, but only if the project is to be acquired and managed by STANCO. STANCO has indicated they are willing to buy and manage that property as well. STANCO has received $137,000 from the FY 96-97 CHDO allocation that may be used for one of these projects. It is staff's recommendation to award the $146,000 CHDO allocation from this year's allocation to STANCO without designating which project will be finalized, and let the STANCO Board make that decision prior to moving forward with an acquisition.

The allocation would be made subject to the following conditions:

1. Commit to one of the projects in writing prior to December 31, 1998.
2. Assure that the involvement of STANCO with the selected project conforms with HOME conflict of interest provisions.
3. For either project, submit copy of purchase contract and appraisal supporting purchase price.
4. For either project, submit sources and uses table showing all lenders, financing, and uses of funds.
5. For Candlewood project, submit additional inspections and cost estimates as called for in the termite report.
6. For either project, submit proposed rent schedule by unit.
7. Submit FY 1997-98 audited Financial Statement and identify low income board members as required by CHDO regulations.

3. Desarrollo Latino-Americano (DLA)

On September 15, 1998 DLA was designated as a CHDO by the City Council. They have applied for $158,100 in pre-development costs and $210,000 in land acquisition and development costs for the development of a 21 unit self-help homeownership project. Their original application was to acquire a 3.8 acre parcel in the County adjacent to the Tallow plant. After staff raised concerns about that site, DLA indicated that they are no longer interested in that site, and will work to acquire another. As a CHDO, DLA is eligible under HOME rules for an operating grant as well as a loan for pre-development costs associated with finding an alternate site for a project. HOME regulations allow an operating grant not to exceed 50% of the CHDO's operating budget and a pre-development loan not to exceed 10% of the CHDO set-aside. Accordingly, staff recommends an operating grant of $29,000 and a pre-development loan of $14,600 from HOME (not CHDO) funds. The pre-development loan can be used for technical assistance, seed money, or site control. In addition, it is recommended that $23,000 in HOME funds be allocated as a loan towards the eventual purchase of property.

This allocation should be subject to the following conditions:

1. Identify site for project by December 31, 1998.
2. The awarding of the pre-development loan requires that a project be developed. DLA shall have received all required approvals and financings for the selected project by December 31, 1999. (If the project is not completed for reasons within DLA's control, the City is required to re-pay the pre-development loan with non-federal funds.)
3. DLA to execute operating grant agreement.

4. Housing Authority of Stanislaus County- the Housing Authority has made application for an acquisition loan for up to ten units on Randazzo Avenue. Randazzo Avenue is a neighborhood in danger of slipping further into decay, and the Housing Authority already has an ownership interest and is a stabilizing force in the area. Staff would like to support that effort. The Authority has asked for funds to acquire up to 10 duplex units and will use their own funds to rehabilitate them as well as continue to manage them. Staff recommends a total of $90,000 in RDA funds to acquire one of the duplexes (two units) with the Authority responsible for rehabilitating and managing them.

The allocation should be made with the following conditions:

1. Interest rate to be 3%. Loan to be secured with residual receipts note, with excess cash flow to be split between Agency and Authority proportionate to their original investment. Authority to make interest only payments for 20 year term. At the end of twenty years, Agency and Authority to write off remaining principal owed on their separate loans in exchange for extending period of affordability for additional twenty years.
2. Authority will commit to spend an average of $25,000 per unit on the rehabilitation of each unit.
3. Authority will submit purchase contract for units selected.
4. Authority will provide relocation plan acceptable to the City.

5. Habitat for Humanity- requested $85,000 to acquire eight lots on Algen Way and to rezone them and build four Habitat homes. While staff is concerned that there is an existing inventory and backlog of self-help type homes waiting to go into production, Habitat has shown an ability to find participating families to participate in their projects. Accordingly, staff recommends a total of $50,000 be allocated to Habitat for the purchase of lots at Algen Gardens.

These recommendations leave a total of $10,400 in HOME funds un-allocated.

Recommended Funding Summary

	HOME	RDA	Total
Eden Housing	$606,000	$215,000	$821,000
STANCO	$146,000 (CHDO)		$146,000
DLA	$ 66,600		$ 66,600
Housing Auth.		$ 90,000	$ 90,000
Habitat		$ 50,000	$ 50,000
TOTAL	**$818,600**	**$355,000**	**$1,173,600**

ffordable Housing Project Summary-Fy 98-99

Exhibit "A"

/29/98

	(1a)	(1b)	(2a)	(2b)	(3)	(4)	(5)
	Eden Housing		STANCO/Metro Development			Housing Authority	Habitat For Humanity
	9% Tax Cr.	4% Tax Cr.			DLA		
	620 Paradise	620 Paradise	Byron Ln Apts.	Candlewood	Site Unidentified	Randazzo	Algen Gardens
City Financing	**$820,979**	**$2,945,818**	**$330,000**	**$200,000**	**$368,500**	**$600,000**	**$85,000**
Permanent Loans	2,192,340	7,045,151	350,000		1,403,181		
Local Funds (Loan)						250,000	
Tax Credits Equity-LP	13,349,099	3,847,688					
Tax Credits Equity-GP	145,273	300,683					
AHP Grant	375,000	518,000			262,500		
County Fee Waiver/Deferral					58,800		
State HCD Self-Help Grant					50,000		
Self-Help Labor/Materials					238,109		307,000
Partial Land Sale	0	0					
Oper. Income During Develop.	360,000	360,000					
Total Sources	**$17,242,691**	**$15,017,340**	**$680,000**	**$200,000**	**$2,381,090**	**$850,000**	**$392,000**
Financing Uses:							
Land/Project Acquisition	$2,700,000	$2,700,000	$660,000		$90,000	$600,000	$48,000
Off-Site Improvements	$31,336	$31,336			$210,000		$10,000
Predevelopment/Soft Costs	$2,286,558	$1,739,871	$20,000		$478,141		$31,400
Construction	10,268,869	8,502,192	0	0	782,400	0	292,040
Rehabilitation	0	0	0	200,000	0	250,000	0
Financing/TC Fees	1,576,054	1,463,905			106,549		0
Local Permit/Impact Fees	103,600	103,600			475,000		10,560
Developer Fee/Sponser Admin.	276,274	476,436			239,000		0
otal Uses	**$17,242,691**	**$15,017,340**	**$680,000**	**$200,000**	**$2,381,090**	**$850,000**	**$392,000**
Unit Cost:							
Total Number of Units	148	148	16	28	21	10	4
Total Development Cost Per Unit	$116,505	$101,469	$42,500	$7,143	$113,385	$85,000	$98,000
City Financing Per Unit Cost	**$5,547**	**$19,904**	**$20,625**	**$7,143**	**$17,548**	**$60,000**	**$21,250**
Cost per Sq. Ft:							
Total Sq. Ft. of Structures	148,928	145,175	13,331	18,456	24,450	9,600	4,200
Construction Costs Per Sq. Ft.	$68.95	$58.57	N/A	N/A	$32.00	N/A	$69.53
Rehabilitation Costs Per Sq. Ft.	N/A	N/A	N/A	$10.84	N/A	$26.04	N/A
TDC Per Sq. Ft.	$115.78	$103.44	$51.01	$10.84	$97.39	$88.54	$93.33
Total Land Acres	7.0	7.0	0.89	0.74	3.1	0.75	1.0
Development Units Per Acre	22 units/acre	22 units/acre	18 units/acre	38 units/acre	7 units/acre	13 units/acre	4 units/acre
Income Target & Unit Mix	40% AMI	50 & 60% AMI	55/65% AMI	?	50% AMI	50% AMI	55% AMI
1 Bedroom	0	0	0	16	0	0	0
2 Bedrooms	69	83	12	12	0	0	0
3 Bedrooms	75	60	4	0	12	10	4
4 Bedrooms	4	5	0	0	9	0	0
Total Units	148	148	16	28	21	10	4
Operations Summary:							
Effective Gross Income	$633,257	$913,160	$75,977	$128,818	N/A	$54,834	N/A
Operating Expenses (Includ. reserves)	$411,262	$401,484	$35,496	$63,520		$33,800	
Net Operating Income	$221,995	$511,676	$40,481	$65,298		$21,034	
Debt Service	$193,039	$465,161	$30,818	$57,780		$20,976	
Cash Flow	$28,956	$46,515	$9,663	$7,518		$58	
ebt Coverage Ratio	**1.15**	**1.10**	**1.31**	**1.13**		**1.00**	
Annual Per Unit Oper. Expenses	**$2,779**	**$2,713**	**$2,219**	**$2,269**		**$3,380**	

MODESTO CITY COUNCIL
RESOLUTION NO. 98-554

Print

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF MODESTO DOWN PAYMENT ASSISTANCE PROGRAM (DAP) GUIDELINES TO ESTABLISH ADDITIONAL ELIGIBILITY REQUIREMENTS.

WHEREAS, for the past three years, the Office of Housing and Neighborhoods has administered the City's Down Payment Assistance Program (DAP), to help low and moderate income families purchase homes in Modesto, using a combination of CDBG, HOME, and RDA Housing Set-Aside funds, and

WHEREAS, it has been necessary in the past to review and amend the DAP Guidelines to strengthen the program's performance, and

WHEREAS, currently, home buyers are assisted through a deferred-payment loan funded by CDBG, and

WHEREAS, issues have been raised recently by City staff in discussions with HUD and other agencies regarding several aspects of the program which involve protection for borrowers, the City's financial interest, and the community's desire for long-term home ownership, and

WHEREAS, the Community Development & Housing Committee reviewed these issues on September 23, 1998, and

WHEREAS, the Committee supported all of the staff's recommendations, and

WHEREAS, any program revisions approved by Council would equally apply to future DAP loans funded with HOME and/or RDA Housing Set-Aside funds,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City's Down Payment Assistance Program (DAP) Guidelines are hereby amended to establish additional eligibility requirements to provide protection for borrowers, the City's financial interest, and the community's desire for long-term home ownership as follows:

1. All potential loan applicants are required to complete home buyer education classes from an approved counseling agency as a condition of City loan approval.

2. City funds shall not be used with variable rate loans or paid as discount points on 3-2-1 buydowns. Only one-year buydowns under the CHFA program will be permitted, and the lender must submit a copy of the buydown agreement to City. In addition, all loans must be delivered at par with no rebate or overage to the originator.

3. Only the household composition as originally shown on the City's DAP application will be considered when making eligibility decisions.

4. Any co-signers used by applicants to qualify for the first mortgage shall be required to sign City Promissory Note also.

5. All purchase agreements must include a contingency calling for a 10-day review by buyer on results of home inspection.

6. A standard asset limit for program participation shall be adopted as follows: Households shall not have more than $15,000 in liquid assets to be eligible to participate in the program.

7. Eligibility shall not be restricted based on residency of the applicant. However, if funds for the program become limited, priority in processing loan applications shall

be given to Modesto residents.

8. Existing homes shall be inspected by professional home inspectors as a condition of City loan approval. Home buyers are required to advance the cost of the inspection feet up front, and the fee will be reimbursed to the Home buyer at escrow by including the cost in the DAP loan.

9. Staff shall report to the Council periodically on the number of loans made to non-Modesto residents.

10. Purchase of tenant-occupied properties is prohibited, unless the tenant is to be the home purchaser.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of October, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-555

Print

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE PROJECT TITLED "CO-COMPOST EXIT ROAD"

WHEREAS, the bids received for Co-Compost Exit Road were opened at 11:00 a.m. on October 6, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Teichert Construction in the amount of $125,020.50 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-556

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $42,000 TO FULLY FUND CO-COMPOST EXIT ROAD

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: Co-Compost Facility 621-480-H011 604; $42,000
TO: Co-Compost Facility Exit Road 621-480-K736 6040; $42,000

The project was designed with the intention of transferring funds from Account 621-480-H011 "Co-Compost Facility" to fully fund the project. Transfer is needed to fully fund the project and for each of project accounting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-557

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A FINAL MASTER ENVIRONMENTAL IMPACT REPORT (SCH 96042009) RELATING TO THE APPROVAL OF THE WASTEWATER MASTER PLAN: AWARDING A CONTRACT TO TEICHERT CONSTRUCTION FOR A PROJECT TO CONSTRUCT A CO-COMPOST EXIT ROAD.

WHEREAS, on May 27, 1997, by Resolution No. 97-290, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (" EIR") (SCH 96042009) for the WasteWater Master 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 a 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 Engineering and Transportation Department by Environmental Assessment Initial Study, (E&T 98-31), reviewed the proposed construction of an exit road, approximately 0.5 miles in length from the Co-compost facility to Jennings Road, on property that is bounded to the north and south by undeveloped land that is farmed on a seasonal basis; to the west, the Co-compost facility; and to the east, Jennings Road; to determine whether the project is within the scope of the project covered by the WasteWater

Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on October 20, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for awarding a contract to Teichert Construction for the construction of the Co-Compost Exit Road (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 within the scope of the Master Plan covered by the WasteWater Master Plan Master Environmental Impact Report.

2. That the City is the lead agency identified in that report.

3. That the project will have no additional significant effect on the environment, as defined in Section 21158(d) of the Public Resources Code.

4. That accordingly, the project does not require a new environmental impact document or findings pursuant to Public Resources Code Section 21081.

5. That all feasible mitigation measures or feasible alternatives set forth in the Master Environmental Impact Report appropriate to the project have been incorporated into the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice of

approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

2 Clerk
1 Attorney
1 CDD - Construction Administration
1 Initiating Department - Attention:Rich Ulm
1 E&T Director,Glen Lewis

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-558

A RESOLUTION ACCEPTING THE BID OF ACME CONSTRUCTION COMPANY INC. FOR THE PROJECT TITLED "NEW POLICE HEADQUARTERS BUILDING - BID PACKAGE NO. 1"

WHEREAS, the bids received for New Police Headquarters Building - Bid Package No. 1 were opened at 11:00 a.m. on October 13, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of Acme Construction Company Inc. in the amount of $599,221.00 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-559

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO CREATE A NEW CAPITAL IMPROVEMENT PROJECT ENTITLED "STATE ROUTE 132 (EAST) PROJECT STUDY REPORT

WHEREAS, under SB45, Caltrans and regional transportation planning agencies must work together to ensure that Caltrans' limited resources are utilized to development Project Study Reports (PSR) for appropriate state highway projects; and

WHEREAS, in order for the SR132 (East) project to be included in the upcoming 1998 State Transportation Improvement Program Update, the PSR for the project needs to be completed and delivered to Caltrans by December 31, 1998; and

WHEREAS, a new CIP project and account needs to be established to provide funds for the City's share of the cost of consultant services.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures					Increase (Decrease)
141	800	8000	8003	Contingency Reserve	(30,000)
141	430	K009	6010	S.R. 132 Project Study Report	$30,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine B
for STAN FEATHERS, Budget Officer

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-560

Print

A RESOLUTION OF INTENTION TO VACATE AND ABANDON THREE FEET OF "K" STREET LOCATED BETWEEN 9TH AND 10TH STREETS AND CONTIGUOUS TO BLOCK 57.

WHEREAS, the City Council has received and referred to the Planning Commission a request by the Redevelopment Agency of the City of Modesto to vacate and abandon three feet of "K" Street located between 9th and 10th Streets and contiguous to Block 57, and

WHEREAS, the three-foot strip of right-of-way has been abandoned by Caltrans and to further acknowledge said abandonment, the Redevelopment Agency of the City of Modesto has also been requested to formally process an abandonment of said three feet of "K" Street located between 9th and 10th Streets and contiguous to Block 57 which vests title to the three-foot strip of right-of-way in adjacent land owners who are proponents of the abandonment, and

WHEREAS, notices of an informal public hearing to consider the request to vacate and abandon three feet of "K" Street located between 9th and 10th Streets and contiguous to Block 57 were posted in the area and said public hearing was held by the Planning Commission on September 21, 1998, and

WHEREAS, the Planning Commission by Resolution No. 98-53, adopted September 21, 1998, found and determined as follows:

1. That the portion of "K" Street, consisting of a three-foot-wide strip along the southern side of the street between 9th and 10th Streets

contiguous to City of Modesto Block 57 is unnecessary for present or future pedestrian or vehicular use.

2. That the area to be abandoned is not required to be retained as a public utility easement.

3. That Environmental Assessment No. 98-33 judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities.

3. That the abandonment and vacation of a portion of "K" Street is in conformance with the City of Modesto General Plan.

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

SECTION 1. The Council of the City of Modesto hereby declares its intention to vacate and abandon three feet of "K" Street located between 9th and 10th Streets and contiguous to Block 57. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and shown on Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein.

SECTION 2. The Council of the City of Modesto hereby elects to proceed with the proposed vacation and abandonment referred to above, pursuant to the provisions of the State of California Streets and Highway Code, Sections 8300-8363: Public Streets, Highways and Service Easements Vacation Law.

SECTION 3. Notice is hereby given that November 10, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation and abandonment.

SECTION 4. The City Clerk is hereby directed to cause to be published in full in *The Modesto Bee*, the official newspaper of the City of Modesto, the date, place and hour of said hearing once each week for two (2) successive weeks before the date set for said hearing.

SECTION 5. The Community Development Director is hereby directed to cause notices of the proposed vacation and abandonment of three feet of "K" Street located between 9th and 10th Streets and contiguous to Block 57 to be posted conspicuously along "K" Street between 9th and 10th Streets at least fourteen (14) days before the date set for the hearing. At least three (3) such notices shall be posted. Such notices shall state the passage of this Resolution of Intention, the time and place for the hearing, and shall describe the portion of street proposed to be abandoned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

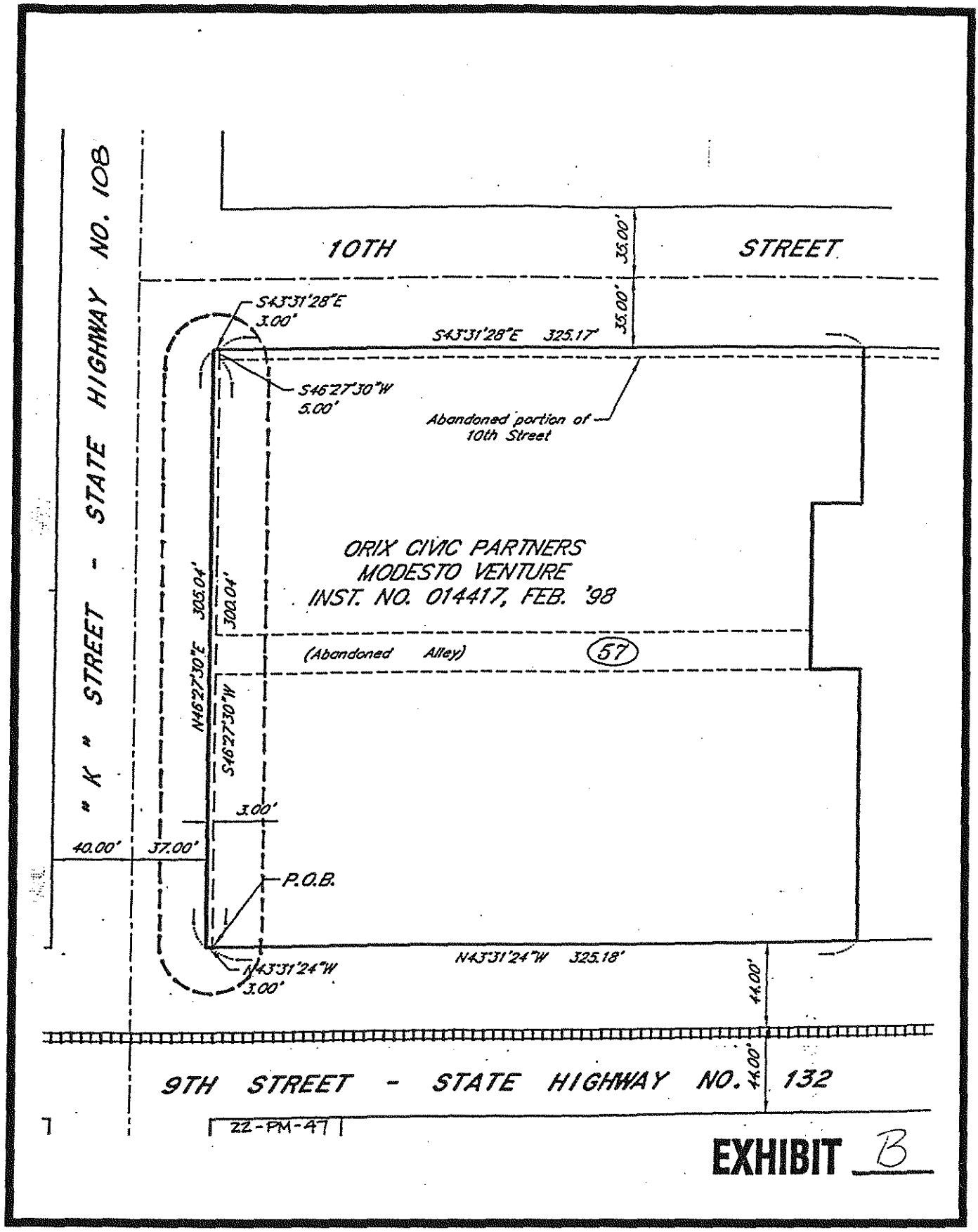
APPROVED AS TO DESCRIPTION:

By George Osner per SC
Community Development Department
Development Services

EXHIBIT "ONE"

The Southeasterly 3 feet of "K" Street - State Highway No. 108 lying adjacent to the Northwesterly line of Block 57 of the City of Modesto, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records.

EXHIBIT A



PROPOSED THREE FOOT ABANDONMENT ON "K" STREET BETWEEN 9TH AND 10TH STS.

NORTH

MODESTO CITY COUNCIL
RESOLUTION NO. 98-561

Print

A RESOLUTION APPROVING THE SUBMITTAL OF A PASSENGER FACILITY CHARGE (PFC) APPLICATION FOR MODESTO CITY-COUNTY AIRPORT IN THE AMOUNT OF $233,750 TO THE FEDERAL AVIATION ADMINISTRATION (FAA) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, Federal Aviation Regulation Part 158, Passenger Facility Charge, established a program that allows the nation's commercial air carrier airports to pay for eligible needed airport improvements with a charge to enplaned passengers, and

WHEREAS, the regulation requires sponsors (airport owners) to submit an application and receive Federal Aviation Administration (FAA) approval before a collection of the Passenger Facility Charge (PFC) can commence, and

WHEREAS, following the establishment of a PFC the City of Modesto received FAA approval to have the air carriers collect a fee from passengers to pay for a number of airport improvements, and

WHEREAS, the list of approved projects is nearing completion and in order for the airport to continue partially funding airport improvements through a PFC, it is necessary for the City to submit a new application, and

WHEREAS, the new application includes four projects with a combined estimated cost of $2,334,000, and

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-562

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PREZONING THE VILLAGE ONE HIGH SCHOOL REORGANIZATION AREA TO A SPECIFIC PLAN OVERLAY (SP-O) ZONE, IN THE VILLAGE ONE SPECIFIC PLAN AREA LOCATED BETWEEN ROSELLE AVENUE AND LITT ROAD, ALONG THE NORTH SIDE OF SYLVAN AVENUE.

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

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

WHEREAS, the City of Modesto proposes to initiate a prezoning of the area designated as the Village One School Reorganization Area for the purpose of determining the zoning that will apply to the property upon annexation, and

WHEREAS, the proposal is to prezone the Village One High School Reorganization Area to a Specific Plan Overlay (SP-O) Zone, and

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

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. CDD 98-37, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 98-63, adopted on October 5, 1998, and City staff, by a report dated October 12, 1998, from the Community Development Department, recommended to the City Council that the City Council initiate a zone boundary change to prezone the Village One High School Reorganization Area (132.4 acres) to a Specific Plan Overlay (SP-O) Zone, property located between Roselle Avenue and Litt road, along the north side of Sylvan Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 20, 1998, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. CDD 98-37, entitled "City of Modesto Initial Study Prezone to Specific Plan Overlay (PSP-O) Zone Village One High School Reorganization Area", and the Council hereby makes the following findings:

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

2. There are no substantial changes occurring with respect to the circumstances under which the prezone (the project) is being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

4. The Initial Study, Environmental Assessment No. CDD 98-37, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. CDD 98-37, entitled "City of Modesto Initial Study Prezone t Specific Plan Overlay (PSP-O) Zone Village One High school Reorganization Area", is attached hereto as Exhibit "A", and incorporated herein by reference.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

Initial Study for Project

City of Modesto
Initial Study

Prezone to Specific Plan Overlay (PSP-O) Zone
Village One High School Reorganization Area

E.A. No. CDD 98-37

September 23, 1998

I. PURPOSE

On September 11, 1990, the Modesto City Council certified the Final Program EIR for the Village One Specific Plan (SCH# 9020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

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

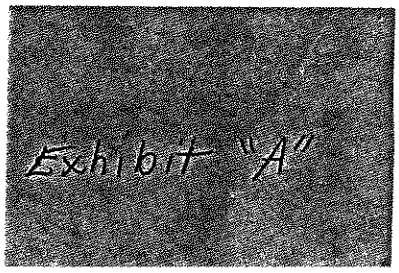
Section 15162 of the CEQA Guidelines allows the Village One Program EIR, as amended by the Supplemental EIR, to be used for subsequent projects, if the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

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

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

The purpose of this Initial Study is to provide the substantial evidence for the above findings.



III. ANALYSIS OF CONFORMANCE WITH CEQA SECTION 21166 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The development resulting from the proposed prezoning will result in precisely the same land uses, a high school and community park site, as was analyzed in the EIR. Therefore, impacts to traffic and circulation for this project are within the analysis presented in the Village One specific Plan Program EIR, as modified by the Supplemental EIR.

2. Degradation of Air Quality

Impacts to air quality are analyzed on pages III-45 through III-54 of the Supplemental EIR. Because the air quality impacts of this project are closely associated with traffic impacts, air quality impacts will be the same as those analyzed in the EIR. Therefore, the air quality impacts of this project are within the analysis presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.

3. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The nature and intensity of noise impacts does not change with the development resulting from the proposed prezoning, because the uses are consistent with the adopted Specific Plan which the EIR analyzed. Therefore the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.

8. **Geology and Soils**

Impacts to geology and soils are analyzed by the Supplemental EIR on pages III-105 through III-108. The proposed prezoning will not result in development on soils not already analyzed by the EIR. Therefore, the impacts to geology and soils of this project are consistent with the analysis presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.

9. **Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The proposed prezoning will not result in any increase in storm drainage runoff from the levels analyzed in the EIR. Therefore, the impacts to hydrology of this project are presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.

10. **Public Services**

Impacts to public services are analyzed on pages III-121 through III –158 of the Supplemental EIR. The proposed prezoning will result in development that is the same intensity as that analyzed in the EIR, which results in the same demand for services as was analyzed by the EIR. Therefore, the impacts to public services of this project are within the analysis presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.

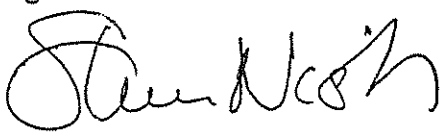
11. **Fiscal Impacts**

Fiscal impacts are analyzed on pages III-159 through III-160 of the Supplemental EIR. The proposed prezoning would result in fiscal impacts; generation of revenues and demand for services, consistent with the Specific Plan. No change would be necessary to the Finance Plan, financing mechanisms or fees on development. Therefore, fiscal impacts resulting from this project are within the analysis presented in the Village One Specific Plan EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

D. This Initial Study provides substantial evidence to support findings A,B and C, above.

Signature:



Steve Nish
Associate Planner

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-563

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ALLOCATE $15,000 FOR AN ADVERTISING CAMPAIGN

WHEREAS, recently individuals have been taking their groceries home in a shopping cart and the cart is never returned to the store. Wrecked, dismantled and abandoned shopping carts create conditions that reduce property values, promote blight and cause deterioration within our City's neighborhoods; and

WHEREAS, in conjunction with writing a city ordinance which will mirror State law, the Neighborhood Preservation Unit is preparing a campaign to educate the public about the law; and

WHEREAS, the City will also, along with the store owners, be conducting a one-time citywide sweep to collect and return all identifiable cars to their owners and dispose of all others.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures					Increase (Decrease)
10	800	8000	8003	Contingency Reserve	(15,000)
10	140	1405	230	Advertising	$13,000
10	140	1405	130	Employee Overtime	$ 2,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 20th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine Brown for
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-564

A RESOLUTION ACCEPTING THE BEYER SKATE PARK PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Engineering & Transportation Director that the Beyer Skate Park project, has been completed by Barham, Inc., in accordance with the contract agreement dated December 9, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Beyer Skate Park project, be accepted from said contractor, Barham, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $146,270.06 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-565

A RESOLUTION ACCEPTING THE MCHENRY MANSION EXTERIOR PAINTING PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a report has been filed by the Engineering & Transportation Director that the McHenry Mansion Painting project, has been completed by D. C. Vient, Inc., in accordance with the contract agreement dated October 7, 1997.

NOW, THEREFORE, BE IT RESOLVED that the McHenry Mansion Painting project, be accepted from said contractor, D.C. Vient, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $42,426.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-566

A RESOLUTION AN AGREEMENT WITH THE ESTATE OF A. J. REDMOND FOR THE ACQUISITION OF PROPERTY LOCATED AT 1734 HILLSIDE DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with the Estate of A. J. Redmond for the acquisition of property located at 1734 Hillside Drive be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-567

A RESOLUTION AN AGREEMENT WITH JAMES J. AND NELLIE GERBER FOR THE ACQUISITION OF PROPERTY LOCATED AT 1726 HILLSIDE DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with James J. and Nellie Gerber for the acquisition of property located at 1726 Hillside Drive be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-568

A RESOLUTION AN AGREEMENT WITH FRANK G. ARROYO FOR THE ACQUISITION OF PROPERTY LOCATED AT 1700 HILLSIDE DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Frank G. Arroyo for the acquisition of property located at 1700 Hillside Drive be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-569

A RESOLUTION AN AGREEMENT WITH DONALD I. STEELY FOR THE ACQUISITION OF PROPERTY LOCATED AT 1742 HILLSIDE DRIVE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Donald I. Steely for the acquisition of property located at 1742 Hillside Drive be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-570

Print

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH CARROLL, BURDICK & MCDONOUGH FOR SPECIAL COUNSEL SERVICES FOR THE WASTE-TO-ENERGY PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Carroll, Burdick & McDonough for special counsel services for the Waste-to-Energy Project be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-571

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF $125,000.00 TO FUND THE PURCHASE OF A CRANE TRUCK WITH MOUNTED COMPRESSOR AND VARIOUS RELATED EQUIPMENT FOR ABOVEGROUND PUMP CONSTRUCTION WORK

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: Install GAC at Well 32
(610-480-J503 6040) $125,000

TO: Crane Truck
(610-480-5012 6040) $125,000

This purchase will allow the Division to perform aboveground construction work at well sites, which is currently contracted out

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-572

A RESOLUTION AN AGREEMENT WITH EDGAR AND JUNE TUTTLE TRUST DATED JUNE 12, 1998, AND EDGAR TUTTLE, JR. FOR THE ACQUISITION OF PROPERTY LOCATED AT 742 KERR AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Edgar and June Tuttle Trust dated June 12, 1998, and Edgar Tuttle J, Jr. for the acquisition of property located at 742 Kerr Avenue be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-573

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE TUSCANY UNIT NO. 1 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Rodney K. Lowe, Inc., a California corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 10.58 acres, known as TUSCANY UNIT NO. 1 SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 9th day of February, 1998, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said TUSCANY UNIT NO. 1 SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after subdivider have taken all actions reasonably necessary to form or annex to a City of Modesto Mello-Roos Community Facilities District ("CFD") or have executed an irrevocable 18-month appointment of a representative to act for it in a CFD

election, which is in a form acceptable to the City Attorney; after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-574

A RESOLUTION APPROVING AN AGREEMENT WITH UNITED CEREBRAL PALSY ASSOCIATION OF STANISLAUS COUNTY FOR AN EXCLUSIVE LEASE TO ADVERTISE IN THE CARD RACK SPACE INSIDE MODESTO AREA EXPRESS (MAX) BUSES

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with United Cerebral Palsy Association of Stanislaus County for an exclusive lease to advertise in the card rack space inside Modesto Area Express (MAX) buses be, and is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-576

A RESOLUTION ADOPTING THE CITY OF MODESTO'S EQUAL OPPORTUNITY PLAN FOR FISCAL YEARS 1997-98 THROUGH 2001-02.

WHEREAS, City staff has recommended to the Council the adoption of an Equal Opportunity Plan for fiscal years 1997-98 through 2001-02, a copy of said plan is on file in the office of the City Clerk, and

WHEREAS, said plan contains the City's plans and goals which have been developed in accordance with existing laws in an effort to ensure that minorities, women, disabled individuals and other groups are afforded equal opportunity, and

WHEREAS, the Equal Opportunity Plan is provided to Council as a five year blueprint for workforce statistics relative to ethnicity and gender. This report sets forth the guidelines to be used by the City to measure annual progress towards goals set for fiscal year 1997-98 through 2001-02, and

WHEREAS, the City is fully committed to the effective implementation of the Equal Opportunity Plan, and to continued progress toward the achievement of its goals,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the City of Modesto's Equal Opportunity Plan for fiscal years 1997-98 through 2001-02.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-577

Print

A RESOLUTION ACCEPTING THE BID OF SHOEMATE BUILDINGS, INC. FOR THE MODESTO AMTRAK STATION PROJECT FOR $1,762,345.00

WHEREAS, bids received for the Modesto Amtrak Station project were opened at 11:00 a.m. on October 13, 1998, and later tabulated by the Engineering & Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Shoemate Buildings, Inc. for $1,762,345.00 be accepted as the lowest responsible bid; and

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-578

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ALLOCATE $25,000 TO FULLY FUND THE PROJECT TITLED "MODESTO AMTRAK STATION"

WHEREAS, this project will construct a 3,000 square foot station building, a 700 foot platform with covered areas and a 100 stall parking area and related site work to serve as the new Amtrak Station; and

WHEREAS, funds are partially budgeted in Account #051-430-F654. The additional funding of $25,000 is needed because right-of-way costs were slightly higher than originally anticipated.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures					
51	800	8000	8003	Contingency Reserve	(25,000)
51	430	F654	6030	Amtrak Station	$25,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 27th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine Brown for
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-579

A RESOLUTION ACCEPTING THE BID OF DULEY'S LANDSCAPE FOR THE PROJECT TITLED EISENHUT PARK

WHEREAS, the bids received for Eisenhut Park were opened at 11:00 a.m. on October 6, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $352,582.25 from Duley's Landscape be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-580

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ALLOCATE $26,000 TO FULLY FUND THE PROJECT TITLED "EISENHUT PARK"

WHEREAS, this project will construct a five-acre neighborhood park on the northeast corner of Sheldon Drive and Shawnee Drive; and

WHEREAS, funds are partially budgeted in Account #135-310-J303. The additional funding of $26,000 is needed to allow the City to award Alternate 1-3, which include softball facilities, play apparatus and path lighting.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures					
135	800	8000	8003	Contingency Reserve	(26,000)
135	310	J303	6040	Eisenhut Park	$26,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 3rd day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine Brown for
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-581

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED COFFEE ROAD – ROAD CONSTRUCTION AND STORM DRAIN AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Coffee Road – Road Construction and Storm Drain, has been completed by George Reed Inc., in accordance with the contract agreement dated September 16, 1997.

NOW, THEREFORE, BE IT RESOLVED that the Coffee Road - Road Construction and Storm Drain be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $1,166,458.76 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-582

A RESOLUTION OF INTENTION OF THE MODESTO CITY COUNCIL TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 1998-2, AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE PROPOSED DISTRICT
(Carver-Bangs/Pelandale-Snyder)

WHEREAS, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for the establishment of a community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to establish the community facilities district, and

WHEREAS, this Council, as the legislative body of the City of Modesto (the "City"), determines that it is in the best interests of the City that this Council institute proceedings for the establishment of a community facilities district pursuant to Section 53313.5 of the Act in order to finance the construction and/or acquisition of certain public facilities having a useful life of five years or longer (the "Facilities"), more particularly described in Exhibit "A", including expenses incidental thereto, and

WHEREAS, this Council also determines that it is in the best interests of the City that the above-mentioned community facilities district be established pursuant to Section 53313 of the Act in order to pay for certain services (the "Services"), more particularly described in Exhibit "A", and

WHEREAS, in the event the community facilities district ("District") is established, it is the intention of the Council to finance the costs of both the Facilities and the

Services through the levy of a special tax therein to be approved at an election to be held within the boundaries of the District, and

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

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

SECTION 1. The above recitals are true and correct. The document entitled "Policies and Procedures for the Use of Mello-Roos Community Facilities Act of 1982", ["Policies & Procedures"] (a copy of which is on file with the City Clerk), adopted by the City Council on September 3, 1996, and as amended from time to time, was adopted by the City Council, pursuant to Section 53312.7 of the Act, as the local goals and policies concerning the use of the Act by this City Council. It is the intention of the City Council that its Policies & Procedures be adhered to to the greatest extent practicable with respect both to the formation and administration of the District, and that such administration be vested in the District Administrator as the governing board of a local agency within the meaning of Section 53317(g) and (h) of the Act, and in accordance with the provisions of the Policies & Procedures as they may be amended from time to time.

SECTION 2. A community facilities district is proposed to be established under the terms of the Act. The name proposed for the community facilities district is "Community Facilities District No. 1998-2" and is referred to in this Resolution as the "District."

SECTION 3.

(a) The boundaries of the District are shown on a map, entitled "Boundary Map of Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder) a copy of which is attached hereto as Exhibit "B". Pursuant to Sections 3110 and 3111 of the California Streets and Highways Code, the City Clerk shall certify on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in the City Clerk's office and, within fifteen (15) days after the adoption of this Resolution and not later than fifteen (15) days prior to the date of the public hearing referred to in Section 9, file a copy of the map with the County Recorder of the County of Stanislaus.

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

SECTION 4.

(a) The Facilities proposed to be provided by the District are public facilities authorized to be acquired or constructed under the Act that have a useful life of five (5) years or longer. The proposed Facilities are governmental facilities which the Council is authorized by law to contribute revenue to, or construct, own, operate or administer; or which a local public agency is authorized by law to own, construct, operate, administer or provide.

(b) The Facilities are proposed to include any and all incidental expenses related hereto, as authorized by the Act.

SECTION 5. The Services proposed to be financed by the District are more particularly set forth in Exhibit "A" attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The proposed Services are governmental services which a local public agency is authorized by law to provide to the extent that they are in addition to those provided in the territory of the district before the district was created.

SECTION 6. The Council determines that the public interest will not be served by allowing property owners to enter into a contract in accordance with subdivision (c) of Section 53329.5 of the Act.

SECTION 7.

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

date this Resolution is approved.

(b) The component of the special tax to be levied in order to finance the costs of the Facilities will not be levied on "any parcel used for private residential purposes," as defined in Section 53321(d) of the Act.

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

SECTION 8. The landowners within the District who have advanced funds or provided work-in-kind shall be reimbursed through tax credits or, in some cases, cash, and the District also shall be reimbursed for money and services advanced for the formation of the District and the acquisition, purchase, modification, expansion, improvement, rehabilitation, leasing and/or construction of the Facilities, all in accordance with and subject to the Act (including without limitation Section 53314.9 of the Act), this Resolution, the Policies & Procedures, the Public Report and other applicable law. In no event shall reimbursable advances or work-in-kind become either a debt of the City, or a debt in excess of tax receipts, of the District. All such reimbursement shall only be made or had pursuant to a valid, executed facility/services acquisition agreement in a form approved by the District Administrator.

SECTION 9. A public hearing on the establishment of the District and the proposed rate, method of apportionment, and manner of collection of the special tax shall be held at 7:00 p.m., or as soon thereafter as practicable, on Tuesday, December 1, 1998, at the

regular meeting place of the City Council, City Council Chambers 801- 11th Street, 1st Floor, Modesto, California, 95354, such time being not less than thirty (30) or more than sixty (60) days following the adoption hereof.

SECTION 10. The District Administrator will be responsible for providing the proposed Facilities and Services to be financed by the District, if it is established. The District Administrator is directed to study the proposed District, and, at or before the time of the hearing on the Resolution of Formation of the District, cause to be prepared and filed with the Council a report containing:

(a) a brief description of the Facilities by type which will in the opinion of the District Administrator be required to adequately meet the needs of the District;

(b) an estimate of the cost of providing the Facilities;

(c) an estimate of the fair and reasonable cost of any of the Facilities to be purchased;

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

(e) an estimate of the cost of providing the Services; and

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

The report shall be made a part of the record of the hearing to be held pursuant to Section 9 hereof.

SECTION 11. Where incidental expenses as contemplated in Section 10(a) above are proposed for inclusion in the public report, and these expenses are in the form of work-in-kind provided by an applicant, such expense may be included in the tax base of the District where the following conditions are met:

(a) A reasonable estimate of the work-in-kind to be reimbursed through tax credits is included in the tax base in the public report.

(b) The District Administrator enters into an agreement with the applicant furnishing such work-in-kind to reimburse it to the applicant solely through available tax credits after first having examined and approved suitable documentation supporting the claim for reimbursement of work-in-kind.

(c) Any such reimbursement is calculated by the District Administrator without interest thereon.

(d) The special tax proposed to be levied in the District is approved by the qualified electors of the District in accordance with the Act.

(e) The District Administrator finds that the work-in-kind was performed as if it had been performed under the direction and supervision, or under the authority of the District Administrator.

SECTION 12. At the time and place set forth in this Resolution for the hearing, any interested persons, including taxpayers, property owners and registered voters

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

SECTION 13. The City Clerk is directed to publish a notice (the "Notice") of the hearing described in Section 9, in the form required by the Act, not later than seven (7) days prior thereto, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code.

SECTION 14. The City Clerk may also send a copy of the notice of the hearing not later than fifteen (15) days prior thereto, by first-class United States mail, postage prepaid, to each registered voter and to each landowner within the proposed District. The content of the mailed Notice shall be as nearly as practicable identical to the content of the published Notice.

SECTION 15.

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

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

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

SECTION 16.

(a) If, after the hearing described in Section 9, the Council adopts a resolution of formation establishing the District and submits the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the

resolution of formation. The City Clerk shall, within three (3) business days after the adoption of the resolution of formation, provide a copy of the resolution of formation, a certified map or sufficient scale and clarity to show the boundaries of the district, and a sufficient description to allow the election official to determine the boundaries of the District, to the official conducting the election. Assessor's parcel numbers for the land within the District shall be included if it is a landowner election or the District does not conform to an existing district's boundaries and if requested by the official conducting the election.

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

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

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

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

a particular landowner shall be specified on the ballot provided to that landowner.

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

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

(h) If the election is to be conducted by mail ballot, the election official conducting the election shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (1) the name of the landowner; (2) the address of the landowner; (3) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the

landowner entitled to vote and is the person whose name appears on the identification envelope; (4) the printed name and signature of the voter; (5) the address of the voter; (6) the date of signing and the place of execution of the declaration described in (3) above; and (7) a notice that the envelope contains the official ballot and is to be opened only by the canvassing board.

(i) The procedures set forth in this Section 16 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

SECTION 17. The Council hereby determines that the facilities to be financed by the District are necessary to meet increased demands placed upon local infrastructure as the result of development occurring in the District.

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AND REIMBURSEMENTS

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1998-2 (herein "CFD No. 1998-2") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1998-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1998-2 unless a separate Rate and Method of Apportionment of Special Tax and Reimbursements is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Administration Component" means that portion of the Facilities Special Tax which must be paid (i.e., is not subject to fee credits) prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure. The revenue collected from the Administration Component will be used by the City to pay annual expenses, consultants' fees, and staff time associated with administering the CFD, monitoring the Authorized Facilities and effecting reimbursements, including but not limited to the following: (i) tracking development in the CFD, (ii) preparing the tax roll for the Annual Maintenance Special Tax, (iii) calculating and collecting the Facilities Special Tax, (iv) engineering, (v) planning, (vi) legal services, and (vii) acquisition and construction of land and improvements associated with the Authorized Facilities.

"Administrator" shall mean the person(s) or firm(s) designated by the City to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.

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

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

"Authorized Facilities" or **"Authorized Facility"** means those public improvements (including portions of such public improvements) to be funded by CFD No. 1998-2 as identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements, including appurtenant expenses such as planning, design, engineering and inspection.

"Buildable Lot" means an individual numbered lot which is in its final configuration and for which a building permit may be issued.

"CFD Costs" means the total amount shown in the CFD Public Report to cover costs associated with CFD formation, CFD administration, and engineering, legal services, planning and geotechnical studies related to the Authorized Facilities.

"CFD Public Report" means the report filed with the City Clerk on behalf of CFD No. 1998-2 pursuant to Section 53321.5 of the Mello-Roos Community Facilities Act of 1982.

"Church Property" means any Parcel within the CFD that is exempt from ad valorem property taxes because it is owned by a religious organization.

"City" means the City of Modesto.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1998-2.

"Credit/Reimbursement Amount" means the sum of the portion of the CFD Costs and the costs of Authorized Facilities that have been paid in advance by a builder/developer and have not yet been reimbursed to that builder/developer through one of the following: (i) the application of Special Tax Credits (as defined below) or (ii) payments to the builder/developer from Facilities Special Taxes collected from other builders/developers in the CFD. The Credit/Reimbursement Amount outstanding at any point in time will be determined pursuant to Section D below.

"Facilities Special Tax" means a Special Tax collected by the City to pay for one or more of the following: (i) the costs of Authorized Facilities and CFD Costs, (ii) to reimburse a builder/developer who has an outstanding Credit/Reimbursement Amount, and (iii) if all Authorized Facilities have been completed, to pay for maintenance authorized to be funded by the CFD.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*).

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

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 1998-2, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

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

"Non-Residential Property" means, in any Fiscal Year, all Parcels for which a building permit has been issued for a commercial, office or industrial establishment or any other use which is not single family or multi-family residential property and which is not exempt from Special Taxes pursuant to Section F below.

"Order of Priority" means the order in which the Authorized Facilities and CFD Costs must be fully credited or reimbursed before Special Tax Credits can be made against the Facilities Special Tax or reimbursements paid to a builder/developer for other CFD facilities that are of lower priority. The Order of Priority is identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Original Parcel" means an Assessor's Parcel that will be further subdivided upon recordation of a Final Map. The Original Parcels in CFD No. 1998-2 at the time the Resolution of Formation of CFD No. 1998-2 was approved by the Council are listed in Attachment 2.

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

"Reimbursable Cost" means, for any of the Authorized Facilities, the amount shown in 1998 dollars in the CFD Public Report, which amount shall, beginning in January 2002 and each January thereafter, be increased by four percent (4%) of the amount in effect in the prior year.

"Special Tax Credit" means a waiver of the creditable portion of the Facilities Special Tax that would otherwise be due from a Parcel in the CFD if the builder/developer of that Parcel did not have an outstanding Credit/Reimbursement Amount.

"Subdivided Property" means, in any Fiscal Year, all Buildable Lots for which a final building permit inspection has taken place or a certificate of occupancy has been issued prior to June 1 of the preceding Fiscal Year.

"Successor Parcel" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel within the CFD.

"Taxable Property" means, in any Fiscal Year, all Parcels in CFD No. 1998-2 that have not been exempted from the Special Tax pursuant to Section F below.

"Tax Area A" means parcels within the Carver-Bangs Specific Plan Area, which Area is shown in Attachment 3A of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Tax Area B" means parcels within the Pelandale-Snyder Specific Plan Area, which Area is shown in Attachment 3B of this Rate and Method of Apportionment of Special Tax and Reimbursements.

B. ANNUAL MONITORING

The Administrator shall keep an ongoing record of the Acreage and current Assessor's Parcel numbers within Tax Area A and Tax Area B and, after July 1 of each Fiscal Year, shall identify the Assessor's Parcels which have become Subdivided Property and, therefore, will be subject to the levy of the Maintenance Special Tax in that Fiscal Year. The Administrator shall also continually monitor Subdivided Property to ensure the Facilities Special Tax is collected prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first), unless the Parcel qualifies for a Special Tax Credit, as discussed further in Section D below.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

The maximum 1998 Facilities Special Tax for Original Parcels in CFD No. 1998-2 when the CFD was formed is shown in Attachment 2. Each time a Final Map is approved within the CFD or when Parcels in the CFD are otherwise subdivided or reconfigured, the Administrator shall reallocate the maximum Facilities Special Tax assigned to each Original Parcel to the Subsequent Parcels created by approval of the Final Map as follows:

Step 1a. Identify the maximum Facilities Special Tax applicable to the Original Parcel being subdivided (the maximum Facilities Special Tax for Original Parcels in the CFD when the CFD was formed are shown in Attachment 2);

Step 1b. Determine the Acreage of Taxable Property within the approved Final Map;

Step 1c. Determine the total Acreage of Taxable Property within the Original Parcel being subdivided, including the Taxable Property within the Final Map;

Step 1d. Divide the Acreage determined in Step 1b by the total Acreage of the Original Parcel determined in Step 1c to calculate a percentage;

Step 1e. Multiply the percentage determined in Step 1d by the amount identified in Step 1a to calculate the maximum Facilities Special Tax to be allocated to the Final Map area. If a Final Map is approved for a portion of an Original Parcel, the maximum Facilities Special Tax that has not been allocated to the Final Map area will stay assigned to the remainder of the Taxable Property within the Original Parcel until it is further subdivided;

Step 1f. Spread the maximum Facilities Special Tax calculated in Step 1e to each of the Successor Parcels within the Final Map area based on each Successor Parcel's share of the Acreage of Taxable Property within the Final Map.

After each reallocation of the maximum Facilities Special Tax upon subdivision or reconfiguration of Original Parcels, the sum of the maximum Facilities Special Tax assigned to Subsequent Parcels shall never be less than the maximum Facilities Special Tax assigned to the Original Parcel(s) prior to such reallocation. Beginning in January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each Parcel shall be increased by four percent (4%) of the amount in effect in the prior year.

2. Annual Maintenance Special Tax

All Subdivided Property within the CFD shall be subject to an Annual Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1998-2 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner. The following maximum rates apply to all Parcels of Taxable Property within CFD No. 1998-2 for Fiscal Year 1998-99:

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
FISCAL YEAR 1998-99 MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX*

Land Use Type	*Tax Area A (Carver-Bangs)*	*Tax Area B (Pelandale-Snyder)*
Single Family	$215 per unit	$200 per unit
Multi-Family	$1,716 per Acre	$1,598 per Acre
Non-Residential	$1,716 per Acre	$1,598 per Acre

* Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by (4%) of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

D. IMPLEMENTATION OF CREDIT/REIMBURSEMENT PROGRAM

Certain builders/developers may be required to pay CFD Costs and fund and construct Authorized Facilities that are ultimately intended to be funded from Facilities Special Tax revenues. The City shall implement a Special Tax Credit and reimbursement program, which will ensure that builders/developers that pay more than their fair share of the CFD Costs and/or Authorized Facilities costs will be reimbursed for the overage.

At the request of the landowners and developers at the time this Rate and Method of Apportionment was prepared and CFD No. 1998-2 was formed, all credits and reimbursements to builder/developers who provide Authorized Facilities shall be in amounts equal to the costs set forth for those Authorized Facilities in the CFD Public Report (except as adjusted as described below). Pursuant to this request, whether the actual cost to build an Authorized Facility is higher or lower than the amount shown in the CFD Public Report for that Authorized Facility, a builder/developer shall be credited and/or reimbursed for the dollar amount included in the CFD Public Report for that Authorized Facility. If there is a cost savings for one Authorized Facility and a cost overrun for another, there is no opportunity pursuant to this Rate and Method of Apportionment for the cost savings to offset the cost overrun.

The following steps shall be applied to implement the credit/reimbursement program:

On an Ongoing Basis

- On January 2002 and each January thereafter, the Administrator shall escalate the following items by four percent (4%): (i) the Facilities Special Tax assigned to each Parcel, (ii) the Credit/Reimbursement Amount outstanding for any builder/developer, and (iii) the costs of Authorized Facilities that have not yet been constructed. An updated list of these three items shall be available each year by February 15.

- The Administrator will keep a current list of the adjustments that have been applied in each year to the items listed above.

- The Administrator will keep track of which Authorized Facilities shown in Attachment 1 have been fully credited or reimbursed to establish the next Authorized Facility to be funded according to the Order of Priority.

- For builder/developers who pay more than their pro-rata share of the cost of particular Authorized Facilities and/or CFD Costs and are due a reimbursement after applying Special Tax Credits, the Administrator shall keep track of the date on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) to ensure that reimbursements of costs that fall within the same Order of Priority will be made on a first incurred/first paid basis.

When a Final Map is Approved by the City Council:

Step 1. The Administrator shall determine which Authorized Facilities the builder/developer subdividing the property has funded;

Step 2. The Administrator shall determine the Order of Priority for the Authorized Facilities funded by the builder/developer. If the improvements are not first in the Order of Priority, the Administrator shall determine whether facilities that are of a higher priority have yet been fully reimbursed or credited;

Step 3. By reference to the detailed cost estimates set forth in the CFD Public Report, the Administrator shall determine the estimated 1998 cost that had been included in the maximum Facilities Special Tax for the Authorized Facilities provided by the builder/developer;

Step 4. Using 2002 as the first year of escalation, the Administrator shall escalate the cost of the Authorized Facilities (as shown in the CFD Public Report) provided by the builder/developer to the year in which the Credit/Reimbursement Amount is being calculated. This escalation shall apply on an annual basis (i.e., subtract 2001 from the then current year to determine how many years worth of escalation to apply) and shall be compounded in the same manner as the Facilities Special Tax has been escalated. This escalated cost represents the total Credit/Reimbursement Amount due to the builder/developer, the balance of which, as of the year 2002 and each year following, shall be escalated by four percent (4%) each year until fully reimbursed or credited against Facilities Special Taxes paid by the builder/developer.

Prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first)

Note: the following steps may be applied to a single Parcel or a group of Parcels (i.e., all residential lots within a particular Final Map)

The Administrator shall determine if the builder/developer has an outstanding Credit/Reimbursement Amount and apply one of the following:

Step 1. **If there is an outstanding Credit/Reimbursement Amount for the builder/developer**, the Administrator shall apply the following steps to determine if a Facilities Special Tax is due from the subject Parcel(s):

Step 1a. Identify the Facilities Special Tax that would have been paid by the Parcel(s) if no Credit/Reimbursement Amount were outstanding;

Step 1b. Multiply the amount determined in Step 1a by .07 to calculate the Administration Component, which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 1c. Subtract the Administration Component calculated in Step 1b from the Facilities Special Tax identified in Step 1a to calculate the net amount that could be collected for facility costs, and apply one of the following:

- *If the net amount determined in Step 1c is less than the outstanding Credit/Reimbursement Amount for the builder/developer*, the Administration Component calculated in Step 1b shall be collected and the builder/developer shall be given a Special Tax Credit against the remainder of the Facilities Special Tax for that Parcel(s). After the Special Tax Credit has been calculated, the Administrator shall subtract that amount from the outstanding Credit/Reimbursement Amount for that builder/developer.

- *If the net amount determined in Step 1c is greater than the outstanding Credit/Reimbursement Amount for the builder/developer*, subtract the outstanding Credit/Reimbursement Amount from the net amount of Facilities Special Tax calculated in Step 1c to determine the amount that must be paid by the builder/developer. If the calculation is being prepared for multiple Parcels at one time, the builder/developer may use up the remaining Credit/Reimbursement Amount by taking Special Tax Credits against the first lots to develop and pay the remaining balance when the subsequent lots develop. The Administrator shall update the CFD records to reflect a zero Credit/Reimbursement Amount for that builder/developer.

Step 2. **If there is <u>not</u> an outstanding Credit/Reimbursement Amount for the builder/developer,** the Administrator shall apply the following steps:

Step 2a. Identify the Facilities Special Tax assigned to the Parcel(s), which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 2b. Multiply the amount determined in Step 2a by .07 to calculate the Administration Component, which shall remain on deposit with the City;

Step 2c. Subtract the Administration Component calculated in Step 2b from the Facilities Special Tax identified in Step 2a to calculate the net amount that shall be collected to provide reimbursements to builder/developers with outstanding Credit/Reimbursement Amounts;

Step 2d. Determine whether there is an outstanding Credit/Reimbursement Amount due other builder/developers in the CFD and apply one of the following:

- *If there <u>are</u> outstanding Credit/Reimbursement Amounts*, look at the Order of Priority of the Authorized Facilities for which a Credit/Reimbursement Amount is due. In addition, identify the dates on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) which were provided to each builder/developer for which a Credit/Reimbursement Amount is outstanding. Reimbursements shall be paid based on the Order of Priority and, if there are multiple Credit/Reimbursement Amounts due within the same priority level, based on the date on which a "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" was issued to each builder/developer. After the reimbursements are made, the Administrator shall reduce the Credit/Reimbursement Amount for the builder/developer(s) who received reimbursement by the amount of such reimbursement.

- *If there are <u>no</u> outstanding Credit/Reimbursement Amounts due any builder/developer*, the City shall deposit the Facilities Special Tax into an account which will be designated for funding the Authorized Facilities. The balance in this fund will be used either to pay directly for the construction of Authorized Facilities or to reimburse a builder/developer who constructs Authorized Facilities in future years. The interest earned on funds in this account shall accrue to the account for the same purposes.

E. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The maximum Facilities Special Tax determined pursuant to Section C above shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure within CFD No. 1998-2 and shall be immediately delinquent if not so paid.

2. Annual Maintenance Special Tax

Commencing with Fiscal Year 1999-00 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Subdivided Property as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Subdivided Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C.2 above;

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

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

Step 4: If the ratio determined in Step 2 is less than 1, levy the maximum Annual Maintenance Special Tax against all Parcels of Subdivided Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 above until the amount so levied equals the Maintenance Special Tax Requirement for the Fiscal Year.

The Annual Maintenance Special Tax for CFD No. 1998-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1998-2 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes levied on the County tax roll.

In no event shall the Maintenance Special Tax levied and collected in one Tax Area be increased due to delinquencies in the other Tax Area.

F. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax and Reimbursements, no Special Tax shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982. No Annual Maintenance Special Tax shall be levied on Church Property unless such Church Property is built on a Parcel or Parcels that had previously been developed with residential or non-residential land uses which had paid the Annual Maintenance Special Tax. The maximum Annual Maintenance Special Tax assigned to such Church Property would be equal to the maximum Annual Maintenance Special Tax that had previously been assigned to the residential or non-residential land uses on the property.

The Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Maintenance Special Tax revenues are no longer needed to pay authorized services of the CFD.

G. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus simple interest charges of 1.5% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

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ATTACHMENT 1

COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER BANGS/PELANDALE-SNYDER)
ORDER OF PRIORITY OF AUTHORIZED FACILITIES

First Priority

- Storm drain basin construction (including but not limited to basins, inlet structures, pipelines, and fencing)
- Storm drain trunkline in Snyder Avenue adjacent to school and park sites
- CFD Costs (as identified in the CFD Public Report)
- Engineering design costs for storm drain related improvements (including geotechnical)

Second Priority

- Storm drain basin land purchase for both basins (Van Konynenburg properties), east and west of Modest Irrigation District lateral No. 6

Third Priority

- Storm drain trunk lines (other than trunkline in Snyder Avenue adjacent to school and park sites)

[Note that storm drain trunk lines are specific to each tax area and will remain a third priority within a tax area until all trunk lines within that tax area are credited or reimbursed.]

Fourth Priority

- Storm drain pump station, piping and landscaping around storm drainage basin

Fifth Priority, Tax Area A (Carver Bangs)

- Bike trail
- American Avenue
- Prescott Road
- Bangs Avenue
- Carver Road
- American Avenue crossing of Modest Irrigation District lateral No. 6
- Pedestrian bridge crossing of Modesto Irrigation District lateral No. 6

Fifth Priority, Tax Area B (Pelandale-Snyder)

- Bike trail
- Dale Road
- Prescott Road
- Tully Road
- Snyder Avenue (opposite)
- Tully/Snyder traffic signal

ATTACHMENT 2
CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
MAXIMUM FACILITIES SPECIAL TAX

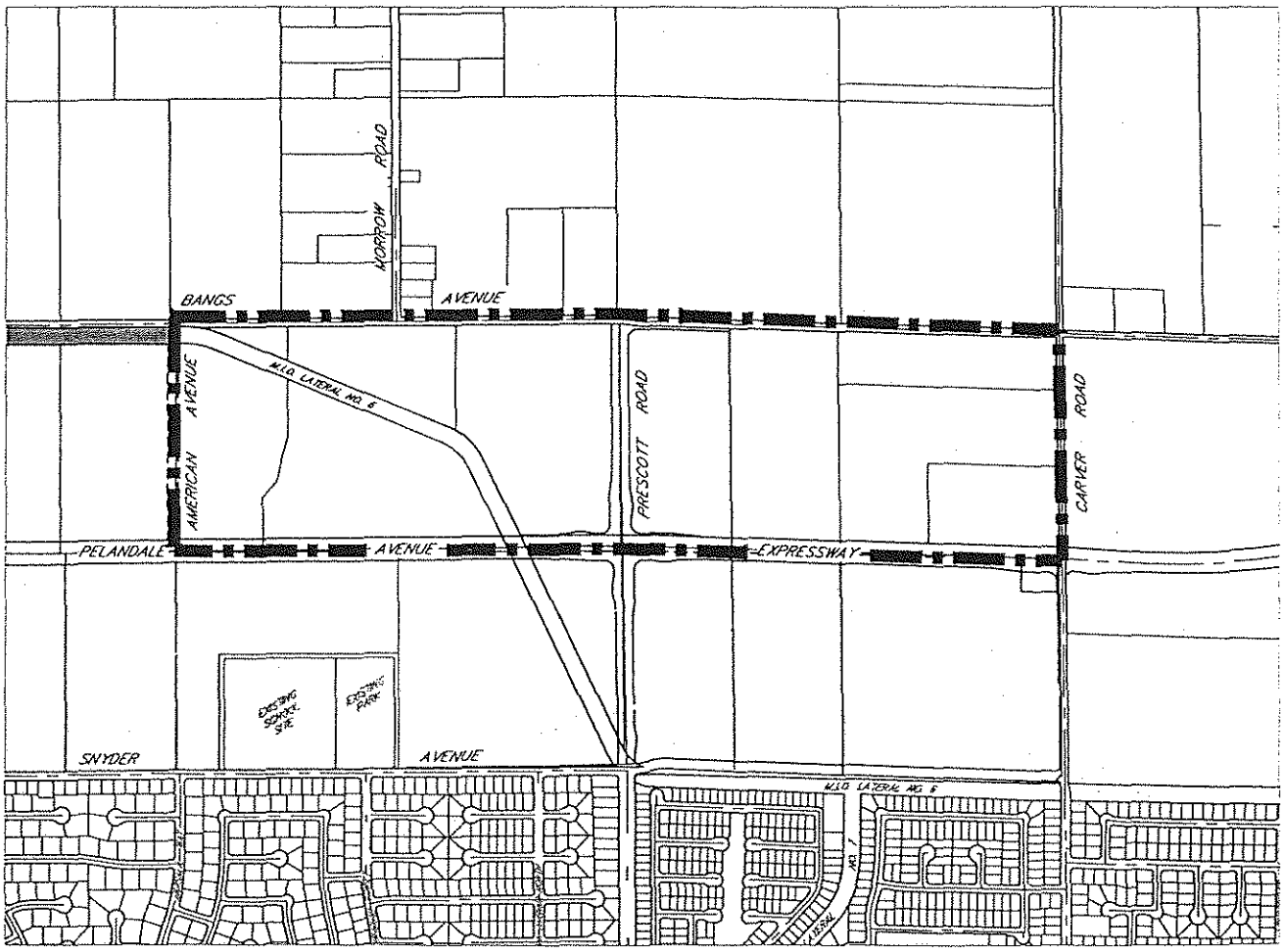
	Carver-Bangs	Pelandale-Snyder
Infrastructure Costs, other than Storm Drainage	$986,097	$3,043,306
Plus: Administration 7.00%	$69,027	$213,031
Subtotal, Costs other than Storm Drainage	$1,055,124	$3,256,337
Storm Drainage Costs	$1,494,750	$4,389,042
Plus: Administration 7.00%	$104,633	$307,233
Subtotal, Storm Drainage Costs	$1,599,383	$4,696,275
Total Costs Assigned to Tax Area	***$2,654,506***	***$7,952,612***
Total Net Acreage Contributing to Non-Drainage Facilities	137.44	298.40
One-Time Special Tax per Net Acre for non-Drainage	$7,677	$10,913
Total Net Acreage Contributing to Storm Drainage	137.44	317.73
One-Time Special Tax per Net Acre for Storm Drainage	$11,637	$14,781

Assessor Parcel No.	Property Owner	Net Acreage	1998 Maximum Facilities Special Tax/1
Tax Area A, Carver-Bangs			
78 12 02	Calvary Chapel	0.89	$17,189
78 18 23	Calvary Chapel	14.19	$274,065
78 18 24	William Han	28.90	$558,173
78 18 14	Lowry, Luscher, Donovan	22.60	$436,495
46 07 15	Kaufman & Broad	16.39	$316,555
46 07 16	Elaine Fowler	18.11	$349,775
46 07 18	Ronald Malik	8.75	$168,997
46 07 19	Ronald Malik	19.30	$372,759
46 07 20	Ronald Malik	8.31	$160,499
Total, Carver-Bangs		***137.44***	***$2,654,506***
Tax Area B, Pelandale-Snyder			
78 18 06	TRS Enterprises	35.45	$910,830
78 18 7	Vossoughi Investments	18.67	$479,695
78 18 22	Rodney K. Lowe, Inc.	18.35	$471,473
78 18 28	Corn-Harris Development	20.62	$529,797
78 18 12	Resource Development	24.08	$618,696
46 07 17	Marlene Johnston, et. al.	16.22	$416,746
46 07 11	Verna Mae Johnson Trust	17.95	$461,196
46 07 12	William P. Couture	35.65	$915,969
46 07 22	Red Rock Ranch	13.05	$335,298
46 07 09	Walker Family Partnership	26.90	$691,152
46 07 07	Resource Development	13.89	$356,881
46 07 06	Resource Development	4.58	$117,676
46 07 08	Brent & Diana Holtz	18.62	$478,411
46 03 02	Big Valley Grace Comm. Church	7.20	$184,992
46 03 06	Big Valley Grace Comm. Church	9.07	$233,039
46 03 07	Big Valley Grace Comm. Church	18.10	$465,050
46 03 09	Big Valley Grace Comm. Church	19.33	$285,711
Total, Pelandale-Snyder		***317.73***	$7,952,612

/1 Maximum taxes shall be increased each year by four percent of the amount in effect in the prior year.

COMMUNITY FACILITIES DISTRICT NO. 1998-2

TAX AREA "A"

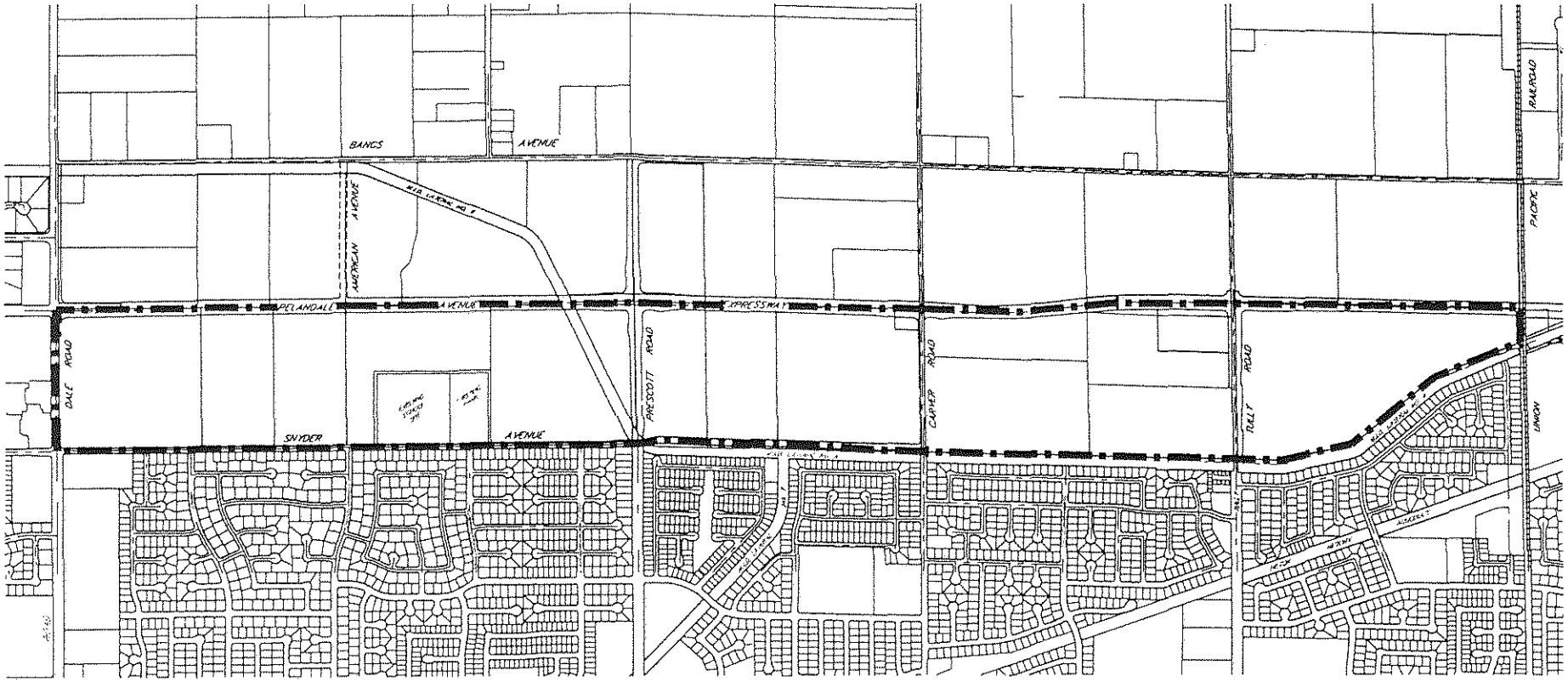


NORTH

Drawn J.R.M.	C.F.D. 1998-2 (CARVER-BANGS/ PELANDALE-SNYDER)	mid-valley engineering	FAX (209) 526-0803
Date 10-14-98		900 H ST. STE. G , MODESTO, CALIFORNIA , 95354 (209) 526-4214	SHEET 1 OF 1
Scale			
Job No. 71-159.16			
Dwg. TAX-A	ATTACHMENT 3A		

COMMUNITY FACILITIES DISTRICT NO. 1998-2

TAX AREA "B"



NORTH

Drawn	J.R.M.
Date	10-14-98
Scale	
Job No.	71-159.16
Dwg.	TAX-B

C.F.D. 1998-2
(CARVER-BANGS/
PELANDALE-SNYDER)

ATTACHMENT 3B

mid-valley engineering
900 H ST. STE. G , MODESTO, CALIFORNIA , 95354
(209) 526-4214
FAX (209) 526-0803

SHEET 1 OF 1

23-Oct-98
JOB 71159

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT (CFD) 1998-2
SUMMARY

I. CARVER / BANGS SPECIFIC PLAN AREA

TOTAL ESTIMATED CFD COSTS $2,424,418

A. C.F.D. FEE PER NET ACRE

$2,424,418 / 137.44 NET ACRES = COST PER NET ACRE ==========> $17,640

B. ANNUAL LANDSCAPE MAINTENANCE COSTS PER NET ACRE

COST PER NET ACRE ==========> $715

OCT 1998
RECEIVED
CITY ATTORNEY

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
CFD REIMBURSEMENT PRIORITY

I. ORDER OF REIMBURSEMENT AND/OR CREDIT

A. FIRST PRIORITY

1. STORM DRAIN BASIN CONSTRUCTION (INCLUDING BUT NOT LIMITED TO BASINS, INLET STRUCTURES, PIPELINES, AND FENCING)
2. STORM DRAIN TRUNKLINE IN SNYDER AVENUE ADJACENT TO SCHOOL AND PARK SITES.
3. ALL CFD RELATED FORMATION COSTS (I.E., CITY OF MODESTO, DAVID TAUSSIG AND ASSOCIATES, KAUFMAN & BROAD, RON MALIK, MID-VALLEY ENGINEERING, J.B. ANDERSON LAND PLANNING, RUSSELL A. HARRISON, CONSULTING CIVIL ENGINEER, INC., AND HERUM, CRABTREE, DYER, ZOLEZZI AND TERPSTRA).
4. ALL ENGINEERING DESIGN COSTS FOR STORM DRAIN RELATED IMPROVEMENTS (INCLUDING GEOTECHNICAL).

B. SECOND PRIORITY

1. STORM DRAIN BASIN LAND PURCHASE FOR BOTH BASINS (VAN KONYNENBURG PROPERTIES), EAST AND WEST OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

C. THIRD PRIORITY

1. STORM DRAIN TRUNK LINES.

D. FOURTH PRIORITY

1. STORM DRAIN PUMP STATION, PIPING AND LANDSCAPING AROUND THE STORM DRAIN BASIN.

E. FIFTH PRIORITY

1. BIKE TRAIL.
2. AMERICAN AVENUE.
3. PRESCOTT ROAD.
4. BANGS AVENUE.
5. CARVER ROAD.
6. AMERICAN AVENUE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.
7. PEDESTRIAN BRIDGE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

EXHIBIT A

CARVER BANGS SPECIFIC PLAN AREA (TAX AREA A)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

A.	STORM DRAINAGE	$1,438,321
B.	PRESCOTT ROAD	$145,422
C.	AMERICAN AVENUE	$24,033
D.	BANGS AVENUE	$254,305
E.	CARVER ROAD	$57,270
F.	AMERICAN AVENUE CANAL CROSSING	$295,066
G.	CLASS I BIKE TRAIL	$142,500
H.	FORMATION COSTS	$67,500
	TOTAL CFD COSTS =====>	**$2,424,418**

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR THE PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE COSTS IS ESTIMATED AT $751 PER ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVE WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF PELANDALE-SNYDER
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	**STORM DRAIN TRUNK LINES**				
A.	CONSTRUCTION				
1.	30" STORM	2,549	LF	$100.00	$254,900
2.	36" STORM	1,279	LF	$121.00	$154,759
3.	48" STORM	597	LF	$161.00	$96,117
4.	SHARE OF 54" STORM DRAIN TO BASIN	46	LF	$182.00	$8,372
5.	MANHOLES	14	EA	$5,750.00	$80,500
	SUB-TOTAL STORM DRAIN TRUNK LINES =====>				$594,648
	10% CONTINGENCY =====>				$59,465
	TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====>				$654,113
II.	**STORM DRAINAGE BASIN FACILITIES**				
A.	CONSTRUCTION				
1.	STORM DRAIN BASIN EXCAVATION	42,628	CY	$6.00	$255,768
2.	STORM DRAIN PUMP STATION	LUMP SUM	LS	$165,445.00	$165,445
3.	STORM DRAIN PIPING (PLUS JACK & BORE)	LUMP SUM	LS	$8,943.00	$8,943
4.	FENCING	1,227	LF	$16.00	$19,632
5.	LANDSCAPING	10,433	SF	$2.80	$29,212
6.	INLETS	LUMP SUM	LS	$2,981.00	$2,981
7.	STRIPPING / CLEARING / DISCING	LUMP SUM	LS	$2,981.00	$2,981
	SUB-TOTAL STORM DRAIN BASIN FACILITIES =====>				$484,962
	10% CONTINGENCY =====>				$48,496
	TOTAL STORM DRAIN BASIN FACILITIES =====>				$533,459
B.	FEES				
1.	ENGINEERING	1	EST	$29,808.00	$29,808
2.	STAKING	1	EST	$14,755.00	$14,755
3.	CONSTRUCTION MANAGEMENT	1	EST	$19,873.00	$19,873
4.	GEOTECHNICAL	1	EST	$5,365.00	$5,365
	TOTAL FEES =====>				$64,436

Carver-Bangs Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	LAND ACQUISITION				
1.	LAND PURCHASE	3.825	AC	$65,000.00	$248,625
2.	ADMINISTRATION	LUMP SUM	LS	$2,125.00	$2,125
				TOTAL LAND ACQUISITION =====>	$250,750
				GRAND TOTAL =====>	**$1,438,321**

NOTES:

1. THE CARVER-BANGS PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCES WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENTS THE FORMULA USED FOR CONSTRUCTION AND FEES:

   A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER	357.46
CARVER / BANGS	151.80
TOTAL GROSS ACRES =====>	509.26

   B. CARVER / BANGS PROPORTIONATE SHARE

151.80 / 509.26 =	29.81%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER AND CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID-VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DOWN DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AREA GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD (20' CFD PORTION)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,323' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (20' CFD PORTION)				
1.	CLEARING AND GRADING	24,675	SF	$0.60	$14,805
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	24,675	SF	$2.00	$49,350
3.	STORM DRAINAGE				
a.	CATCH BASINS	4	EA	$1,000.00	$4,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	200	LF	$30.00	$6,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	24,675	SF	$0.02	$494
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COST)	1	EST	$3,207.75	$3,208
				CONSTRUCTION TOTAL =====>	$81,856
				15% CONTINGENCY =====>	$12,278
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$94,135
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$5,648.08	$5,648
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$2,824.04	$2,824
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$3,765.39	$3,765
				TOTAL FEES =====>	$12,238
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.57	AC	$65,000.00	$37,050
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$39,050
				GRAND TOTAL =====>	**$145,422**

NOTES:

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF PRESCOTT ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 2).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE (2' CFD PORTION HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 3)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (CFD PORTION)				
1.	CLEARING AND GRADING	2,535	SF	$0.35	$887
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	2,535	SF	$1.75	$4,436
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	LUMP SUM	LS	$100.00	$100
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	LUMP SUM	LS	$300.00	$300
				CONSTRUCTION TOTAL =====>	$14,724
				15% CONTINGENCY =====>	$2,209
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$16,932
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$1,015.92	$1,016
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$507.96	$508
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$677.28	$677
				TOTAL FEES =====>	$2,201
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.06	AC	$65,000.00	$3,900
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$1,000.00	$1,000
				TOTAL LAND ACQUISITION =====>	$4,900
				GRAND TOTAL =====>	**$24,033**

NOTES:

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF AMERICAN AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 3).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BANGS AVENUE (9' CFD PORTION, HALF SECTION ONLY)
FROM
AMERICAN AVENUE TO CARVER ROAD (5,350' C.L. TO C.L.)
(REFERENCE FIGURE 4)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (CFD PORTION)				
1.	CLEARING AND GRADING	48,150	SF	$0.35	$16,853
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	48,150	SF	$1.75	$84,263
3.	STORM DRAINAGE				
a.	CATCH BASINS	7	EA	$1,000.00	$7,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	350	LF	$30.00	$10,500
c.	MANHOLES	7	EA	$2,000.00	$14,000
4.	PRIME COAT	48,150	SF	$0.02	$963
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$5,055.75	$5,056
				CONSTRUCTION TOTAL =====>	$138,634
				15% CONTINGENCY =====>	$20,795
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$159,429
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$9,565.73	$9,566
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,782.86	$4,783
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,377.15	$6,377
				TOTAL FEES =====>	$20,726
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.11	AC	$65,000.00	$72,150
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$74,150
				GRAND TOTAL =====>	**$254,305**

NOTES:

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF BANGS AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 4).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CARVER ROAD (9' CFD PORTION, HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE
(REFERENCE FIGURE 5)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (6' CFD PORTION)				
1.	CLEARING AND GRADING	9,900	SF	$0.35	$3,465
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	9,900	SF	$1.75	$17,325
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	9,900	SF	$0.02	$198
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$1,039.50	$1,040
				CONSTRUCTION TOTAL =====>	$31,028
				15% CONTINGENCY =====>	$4,654
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$35,682
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$2,140.90	$2,141
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$1,070.45	$1,070
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$1,427.27	$1,427
				TOTAL FEES =====>	$4,639
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.23	AC	$65,000.00	$14,950
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$16,950
				GRAND TOTAL =====>	**$57,270**

NOTES:

1. THE ABOVE ESTIMATE IS FOR THE PORTION OF CARVER ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 5).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
CULVERT CROSSING AT BANGS AVENUE
(REFERENCE FIGURE 6)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	LUMP SUM	LS	$15,000.00	$15,000
2.	EARTHWORK	LUMP SUM	LS	$23,750.00	$23,750
3.	CAST-IN-PLACE REINFORCED CONCRETE 4.5' x 12' DOUBLE BOX CULVERT	LUMP SUM	LS	$125,000.00	$125,000
4.	INLET STRUCTURE	1	EA	$21,200.00	$21,200
5.	OUTLET STRUCTURE	1	EA	$21,200.00	$21,200
6.	FENCING	LUMP SUM	LS	$4,370.00	$4,370
7.	UTILITY RELOCATION	1	EST	$10,000.00	$10,000
				CONSTRUCTION TOTAL =====>	$220,520
				15% CONTINGENCY =====>	$33,078
	TOTAL CONSTRUCTION FOR AMERICAN AVENUE CULVERT CROSSING =====>				$253,598
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,215.88	$15,216
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,607.94	$7,608
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,143.92	$10,144
4.	GEOTECHNICAL	1	EST	$5,000.00	$5,000
5.	MID PERMITTING	1	EST	$3,500.00	$3,500
				TOTAL FEES =====>	$41,468
				GRAND TOTAL =====>	**$295,066**

NOTES:

1. THE ABOVE ESTIMATE INCLUDES THE COST TO INSTALL AN ULTIMATE CROSSING TO ACCOMMODATE THE 64' ULTIMATE AMERICAN AVENUE CROSS SECTION AS SHOWN ON EXHIBIT 4-5 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN.

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CLASS I BIKE TRAIL
AND
PEDESTRIAN ACCESS CROSSING OF
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
(REFERENCE FIGURE 7)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	**DESIGN PARAMETERS**				
1.	INSTALL 12' BIKE TRAIL SYSTEM (8' PATH WITH TWO-2' SHOULDER AREAS) IN ACCORDANCE WITH EXHIBIT 4-7 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN				
2.	TOTAL LENGTH 2180 L.F. OR 0.413 MILES				
3.	THE CITY'S CFF PROGRAM HAS THE FOLLOWING CLASS I BIKE TRAIL COSTS INCLUDED:				
	Existing CFF Portion 0.413 Miles x $105,600 =	$43,613			
II.	**CLASS I BIKE TRAIL**				
A.	CONSTRUCTION				
1.	8' BIKE PATH	17,440	SF	$2.00	$34,880
2.	2' GRAVEL SHOULDER EACH SIDE (2" DECOMPOSED GRANITE)	8,720	SF	$0.30	$2,616
3.	4-6' FENCE	2,180	LF	$16.00	$34,880
4.	PEDESTRIAN ACCESS CROSSING	LUMP SUM	LS	$50,000.00	$50,000
				CONSTRUCTION TOTAL =====>	$122,376
				10% CONTINGENCY =====>	$12,238
				TOTAL BIKE PATH =====>	$134,614
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$8,076.82	$8,077
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,038.41	$4,038
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$5,384.54	$5,385
				TOTAL FEES =====>	$17,500
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION (10' WIDE; ASSUME 2' JOINT USE OF EXISTING MID RIGHT-OF-WAY)	0.50	AC	$65,000.00	$32,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$1,500.00	$1,500
				TOTAL LAND ACQUISITION =====>	$34,000
				GRAND TOTAL =====>	$186,113
				CFF PORTION =====>	$43,613
				TOTAL CARVER BANGS CFD PORTION =====>	**$142,500**

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
FORMATION COSTS
AND
LANDSCAPE AREAS
TO BE INCLUDED IN THE
ANNUAL MAINTENANCE COSTS
AND CITY ANNUAL ADMINISTRATION

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	FORMATION COSTS				
1.	INITIAL FEES ASSOCIATED WITH FORMATION OF DISTRICT	LUMP SUM	LS	$67,500.00	$67,500
				TOTAL ESTIMATED FORMATION COSTS =====>	$67,500
B.	LANDSCAPE FACILITIES FOR ANNUAL MAINTENANCE				
1.	BANGS AVENUE (SOUTH SIDE) 8' LANDSCAPE STRIP (4,680 LF x 8' = 37,440 SF)	37,440	SF	$0.72	$26,957
2.	AMERICAN AVENUE (EAST SIDE) 8' LANDSCAPE STRIP (1,200 LF x 8' = 9,600 SF)	9,600	SF	$0.72	$6,912
3.	PRESCOTT ROAD 16' CENTER MEDIAN	10,750	SF	$0.72	$7,740
4.	PRESCOTT ROAD TREEWELL AND VINE BLOCKOUTS WITH 10' SIDEWALK AND MASONRY WALL (56 EACH 5' X 5' TREEWELLS + 56 EACH 3' x 10' VINE BLOCKOUTS)	3,080	SF	$0.72	$2,218
5.	CLASS I BIKE TRAIL (2,180 LF x 12' = 26,160 SF)	26,160	SF	$0.72	$18,835
6.	PELANDALE AVENUE (NORTH SIDE) 12.5' LANDSCAPE STRIP WITH 4' SIDEWALK (4,990 L.F. x 8' = 39,920 S.F.)	39,920	SF	$0.72	$28,742
7.	CARVER ROAD (WEST SIDE) (1,194 L.F. x 8' = 9,552 S.F.)	9,552	SF	$0.72	$6,877
				TOTAL ANNUAL LANDSCAPE MAINTENANCE COSTS =====>	$98,281

SUMMARY ANNUAL LANDSCAPE MAINTENANCE COSTS AND ADMINISTRATION COSTS:

ESTIMATED COST PER NET ACRE PER YEAR ==========> **$715**
EXCLUDING CHURCH PROPERTY (122.36 ACRES)

23-Oct-98
JOB 71159

PELANDALE / SNYDER (TAX AREA B)
SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT (CFD) 1998-2
SUMMARY

I. PELANDALE / SNYDER SPECIFIC PLAN AREA

TOTAL ESTIMATED CFD COSTS (EXCLUDING STORM DRAIN)		$3,043,306
TOTAL ESTIMATED CFD STORM DRAIN		$4,000,232
	TOTAL CFD COSTS =====>	**$7,043,538**

A. C.F.D. FEE PER NET ACRE

$3,043,306 / 298.40 NET ACRES (EXCLUDING A.P.N. 46-03-09 EXISTING BIG VALLEY PARCEL)	COST PER NET ACRE =====>	$10,199
$4,000,232 / 317.73 NET ACRES (INCLUDING A.P.N. 46-03-09 EXISTING BIG VALLEY PARCEL)	COST PER NET ACRE =====>	$12,590
	TOTAL =====>	$22,789

B. ANNUAL LANDSCAPE MAINTENANCE COSTS PER NET ACRE

COST PER NET ACRE ========== $852
(EXCLUDING CHURCH PROPERTY)



PELANDALE / SNYDER (TAX AREA B)
SPECIFIC PLAN AREA
CFD REIMBURSEMENT PRIORITY

I. ORDER OF REIMBURSEMENT AND/OR CREDIT

A. FIRST PRIORITY

1. STORM DRAIN BASIN CONSTRUCTION (INCLUDING BUT NOT LIMITED TO BASINS, INLET STRUCTURES, PIPELINES, AND FENCING)
2. STORM DRAIN TRUNKLINE IN SNYDER AVENUE ADJACENT TO SCHOOL AND PARK SITES.
3. ALL CFD RELATED FORMATION COSTS (I.E., CITY OF MODESTO, DAVID TAUSSIG AND ASSOCIATES, KAUFMAN & BROAD, RON MALIK, MID-VALLEY ENGINEERING, J.B. ANDERSON LAND PLANNING, RUSSELL A. HARRISON, CONSULTING CIVIL ENGINEER, INC., AND HERUM, CRABTREE, DYER, ZOLEZZI AND TERPSTRA).
4. ALL ENGINEERING DESIGN COSTS FOR STORM DRAIN RELATED IMPROVEMENTS (INCLUDING GEOTECHNICAL).

B. SECOND PRIORITY

1. STORM DRAIN BASIN LAND PURCHASE FOR BOTH BASINS (VAN KONYNENBURG PROPERTIES), EAST AND WEST OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

C. THIRD PRIORITY

1. STORM DRAIN TRUNK LINES.

D. FOURTH PRIORITY

1. STORM DRAIN PUMP STATION, PIPING AND LANDSCAPING AROUND STORM DRAIN BASIN.

E. FIFTH PRIORITY

1. BIKE TRAIL.
2. DALE ROAD.
3. PRESCOTT ROAD.
4. TULLY ROAD.
5. SNYDER AVENUE (OPPOSITE).
6. TULLY / SNYDER TRAFFIC SIGNAL.

EXHIBIT A

PELANDALE / SNYDER SPECIFIC PLAN AREA (TAX AREA B)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

A.	STORM DRAINAGE	$4,000,232
B.	DALE ROAD	$531,075
C.	PRESCOTT ROAD	$628,297
D.	TULLY ROAD	$1,011,016
E.	SNYDER AVENUE	$52,743
F.	CLASS I BIKE TRAIL	$752,675
G.	FORMATION COSTS	$67,500
	TOTAL CFD COSTS =====>	**$7,043,538**

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR THE PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE AND ADMINISTRATION COSTS ARE ESTIMATED AT $852 PER NET ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVE WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	**STORM DRAIN TRUNK LINES**				
A.	CONSTRUCTION				
1.	36" STORM	400	LF	$121.00	$48,400
2.	42" STORM	1,874	LF	$155.00	$290,470
3.	48" STORM	3,661	LF	$161.00	$589,421
4.	54" STORM	5,242	LF	$182.00	$954,044
5.	PROPORTIONATE SHARE 54" TO BASIN	108	LF	$182.00	$19,656
6.	MANHOLES	29	EA	$5,750.00	$166,750
	SUB-TOTAL STORM DRAIN TRUNK LINES =====>				$2,068,741
	10% CONTINGENCY =====>				$206,874
	TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====>				$2,275,615
II.	**STORM DRAINAGE BASIN FACILITIES**				
B.	CONSTRUCTION				
1.	STORM DRAIN BASIN EXCAVATION	100,372	CY	$6.00	$602,232
2.	STORM DRAIN PUMP STATION	LUMP SUM	LS	$389,555.00	$389,555
3.	STORM DRAIN PIPING (PLUS JACK & BORE)	LUMP SUM	LS	$21,057.00	$21,057
4.	FENCING	2,890	LF	$16.00	$46,240
5.	LANDSCAPING	13,170	SF	$2.80	$36,876
6.	INLETS	LUMP SUM	LS	$7,019.00	$7,019
6.	CLEARING / DISCING / STRIPPING	LUMP SUM	LS	$7,019.00	$7,019
	SUB-TOTAL				$1,109,998
	10% CONTINGENCY =====>				$111,000
	TOTAL STORM DRAIN BASIN FACILITIES =====>				$1,220,998

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	FEES				
1.	ENGINEERING	1	EST	$70,192.00	$70,192
2.	STAKING	1	EST	$34,746.00	$34,746
3.	CONSTRUCTION MANAGEMENT	1	EST	$46,796.00	$46,796
4.	GEOTECHNICAL	1	EST	$12,635.00	$12,635
				TOTAL FEES =====>	$164,369
D.	LAND ACQUISITION				
1.	LAND PURCHASE	5.175	AC	$65,000.00	$336,375
2.	ADMINISTRATION	LUMP SUM	LS	$2,875.00	$2,875
				TOTAL LAND ACQUISITION =====>	$339,250
				PELANDALE - SNYDER STORM DRAIN FACILITIES TOTAL =====>	**$4,000,232**

NOTES:

1. THE PELANDALE-SNYDER PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCES WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENTS THE FORMULA USED FOR CONSTRUCTION AND FEES:

   A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER	357.46
CARVER / BANGS	151.80
TOTAL GROSS ACRES =====>	509.26

   B. PELANDALE / SNYDER PROPORTIONATE SHARE

357.46 / 509.26 =	70.19%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER AND CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID-VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DOWN DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AREA GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
DALE ROAD (CENTER 20' C.L. TO C.L.)
AND EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS
SNYDER AVENUE TO PELANDALE AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I. DALE ROAD CENTER 20 FEET					
A. CONSTRUCTION					
1.	SAWCUT AND REMOVE EXISTING PAVEMENT	26,400	SF	$1.50	$39,600
2.	MEDIAN CURB	2,690	LF	$15.00	$40,350
3.	MEDIAN COVER	17,520	SF	$3.50	$61,320
4.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10; R.V. = 50)	5,280	SF	$2.00	$10,560
5.	STRIPING	LUMP SUM	LS	$5,000.00	$5,000
				CONSTRUCTION TOTAL =====>	$156,830
				10% CONTINGENCY =====>	$15,683
				TOTAL DALE ROAD CONSTRUCTION =====>	$172,513
B. FEES					
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$10,350.78	$10,351
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$5,175.39	$5,175
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,900.52	$6,901
				TOTAL FEES =====>	$22,427
				DALE ROAD CENTER 20 FEET GRAND TOTAL =====>	$194,940

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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II. EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS					
A. CONSTRUCTION					
1.	CLEARING AND GRADING	30,492	SF	$0.60	$18,295
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)	22,104	SF	$2.00	$44,208
3.	STORM DRAINAGE				
a.	12" STORM DRAIN	800	LF	$30.00	$24,000
b.	15" STORM DRAIN	420	LF	$37.00	$15,540
c.	CATCH BASINS	2	EA	$1,000.00	$2,000
d.	12" CATCH BASIN RUNS	100	LF	$30.00	$3,000
e.	MANHOLES	2	EA	$2,000.00	$4,000
4.	10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS	12,300	SF	$3.00	$36,900
5.	6" VERTICAL CURB AND GUTTER	1,230	LF	$9.00	$11,070
6.	RETURN AT PELANDALE AVENUE	1	EA	$1,000.00	$1,000
7.	ELECTROLIERS	3	EA	$3,500.00	$10,500
8.	LANDSCAPING (12' WIDE STRIP)	14,760	SF	$2.80	$41,328
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$3,125.16	$3,125
10.	TRAFFIC CONTROL	LUMP SUM	LS	$4,500.00	$4,500
11.	TRAFFIC SIGNAL INTERCONNECT	1,230	LF	$10.00	$12,300
12.	PRIMECOAT	22,104	SF	$0.02	$442
				CONSTRUCTION TOTAL =====>	$232,208
				10% CONTINGENCY =====>	$23,221
				TOTAL DALE ROAD CONSTRUCTION =====>	$255,429
B. FEES					
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,325.76	$15,326
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,662.88	$7,663
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,217.17	$10,217
				TOTAL FEES =====>	$33,206
C. LAND ACQUISITION					
1.	RIGHT-OF-WAY DEDICATION	0.70	AC	$65,000.00	$45,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$47,500
				DALE ROAD FRONTAGE GRAND TOTAL =====>	$336,135
				DALE ROAD GRAND TOTAL =====>	**$531,075**

NOTE:

1. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD
WEST SIDE FRONTAGE IMPROVEMENTS ADJACENT
TO STORM DRAIN BASIN
AND EAST SIDE FRONTAGE IMPROVEMENTS
PELANDALE AVENUE TO SNYDER AVENUE (1,316' C.L. TO C.L.)
(REFERENCE FIGURE 3)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	**PRESCOTT ROAD WEST SIDE FRONTAGE IMPROVEMENTS (ADJACENT TO STORM DRAIN BASINS)**				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	37,530	SF	$0.60	$22,518
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	18,525	SF	$2.00	$37,050
3.	2" A.C. OVERLAY (EXISTING INTERIM PRESCOTT)	17,100	SF	$0.60	$10,260
4.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	1	EA	$2,000.00	$2,000
5.	6" VERTICAL CURB AND GUTTER	1,200	LF	$9.00	$10,800
6.	10' SIDEWALK	12,000	SF	$3.00	$36,000
7.	RETURNS	2	EA	$1,000.00	$2,000
8.	ELECTROLIERS	4	EA	$3,500.00	$14,000
9.	PRIMECOAT	18,525	SF	$0.02	$371
				CONSTRUCTION TOTAL =====>	$139,999
				10% CONTINGENCY =====>	$14,000
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$153,998
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$9,239.90	$9,240
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,619.95	$4,620
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,159.93	$6,160
				TOTAL FEES =====>	$20,020
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.20	AC	$65,000.00	$78,000
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$80,000
				PRESCOTT ROAD WEST SIDE FRONTAGE TOTAL =====>	$254,018

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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	**PRESCOTT ROAD EAST SIDE FRONTAGE IMPROVEMENTS**				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	37,530	SF	$0.60	$22,518
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	41,400	SF	$2.00	$82,800
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS	100	LF	$30.00	$3,000
c.	MANHOLES	1	EA	$2,000.00	$2,000
4.	6" VERTICAL CURB AND GUTTER	1,200	LF	$9.00	$10,800
5.	10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS	12,000	SF	$3.00	$36,000
6.	RETURNS	4	EA	$800.00	$3,200
7.	ELECTROLIERS	3	EA	$3,500.00	$10,500
8.	LANDSCAPING (12' WIDE STRIP)	14,400	SF	$2.80	$40,320
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$5,265.90	$5,266
10.	TRAFFIC CONTROL	LUMP SUM	LS	$2,500.00	$2,500
11.	TRAFFIC SIGNAL INTERCONNECT	1,200	LF	$10.00	$12,000
12.	PRIMECOAT	41,400	SF	$0.02	$828
				CONSTRUCTION TOTAL =====>	$233,732
				10% CONTINGENCY =====>	$23,373
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$257,105
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,426.31	$15,426
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,713.15	$7,713
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,284.20	$10,284
				TOTAL FEES =====>	$33,424
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.25	AC	$65,000.00	$81,250
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$83,750
				PRESCOTT ROAD EAST SIDE FRONTAGE TOTAL =====>	$374,279
				PRESCOTT ROAD GRAND TOTAL =====>	**$628,297**

NOTES:

1. THE ABOVE ESTIMATE ASSUMES THE PHASE 1A INTERIM PELANDALE AVENUE WILL BE CONSTRUCTED ON THE WEST SIDE OF PRESCOTT AND A PORTION OF THE IMPROVEMENTS (APPROXIMATELY 650 L.F. FROM THE SNYDER INTERSECTION) WILL BE REMOVED FOR THE ULTIMATE IMPROVEMENTS. THE REMAINING INTERIM SECTION IS ASSUMED TO REMAIN AND BE OVERLAYED WITH 2" A.C.

2. THE ABOVE ESTIMATE DOES NOT INCLUDE THE CENTER 20' PORTION OF PRESCOTT ROAD SINCE IT IS INCLUDED IN THE CFF PROGRAM.

3. THE ABOVE ESTIMATE DOES NOT INCLUDE THE MAINLINE STORM DRAIN IMPROVEMENTS SINCE THOSE COSTS ARE INCLUDED WITH THE STORM DRAIN COMPONENT OF THE CFD.

4. THE ABOVE ESTIMATE INCLUDES ALL NECESSARY CATCH BASINS. THIS CATCH BASIN ESTIMATE WAS TAKEN DIRECTLY FROM THE APPROVED "ALMOND VALLEY SUBDIVISION" IMPROVEMENT PLANS.

5. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES)
FROM EXISTING
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
TO PELANDALE AVENUE (1,450' C.L. TO C.L.)
TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF
AND
TULLY / SNYDER TRAFFIC SIGNAL
(REFERENCE FIGURE 4)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	**TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES, 114 FOOT RIGHT-OF-WAY)**				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	87,245	SF	$0.60	$52,347
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)	81,410	SF	$2.00	$162,820
3.	STORM DRAINAGE				
a.	CATCH BASINS	4	EA	$1,000.00	$4,000
b.	12" STORM DRAIN	600	LF	$30.00	$18,000
c.	12" CATCH BASIN RUNS	200	LF	$30.00	$6,000
d.	MANHOLES	3	EA	$2,000.00	$6,000
4.	6" VERTICAL CURB AND GUTTER	2,432	LF	$9.00	$21,888
5.	10' SIDEWALK	24,320	SF	$3.00	$72,960
6.	REMOVE EXISTING CURB, GUTTER AND SIDEWALK ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD	717	LF	$20.00	$14,340
7.	CLEARING, GRADING AND DEMOLITION ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD (LANDSCAPING, IRRIGATION, ETC.)	LUMP SUM	LS	$20,000.00	$20,000
8.	ELECTROLIERS	9	EA	$3,500.00	$31,500
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$10,758.35	$10,758
10.	TRAFFIC CONTROL	LUMP SUM	LS	$7,000.00	$7,000
11.	TRAFFIC SIGNAL INTERCONNECT (ONE SIDE ONLY)	1,400	LF	$10.00	$14,000
12.	RELOCATE OVERHEAD POWER LINES	4	EA	$7,000.00	$28,000
13.	LANDSCAPING (12' WIDE STRIP BOTH SIDES)	36,996	SF	$2.80	$103,589
14.	PRIMECOAT	81,410	SF	$0.02	$1,628
				CONSTRUCTION TOTAL =====>	$574,830
				15% CONTINGENCY =====>	$86,225
				TOTAL CONSTRUCTION FOR TULLY ROAD FRONTAGE =====>	$661,055

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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$39,663.29	$39,663
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$19,831.65	$19,832
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$26,442.20	$26,442
				TOTAL FEES =====>	$85,937
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.776	AC	$65,000.00	$50,440
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$52,440
				TOTAL TULLY ROAD FRONTAGE =====>	**$799,432**
II.	**TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF**				
A.	CONSTRUCTION				
1.	SAWCUT AND REMOVE EXISTING PAVEMENT	27,360	SF	$1.50	$41,040
2.	MEDIAN CURB	3,090	LF	$15.00	$46,350
3.	MEDIAN LANDSCAPING	23,120	SF	$3.50	$80,920
4.	PAVEMENT (0.50' A.C. OVER 0.65' A.B.; T.I. = 10, R.V. = 50)	27,360	SF	$2.00	$54,720
5.	STRIPING	LUMP SUM	LS	$6,000.00	$6,000
				CONSTRUCTION TOTAL =====>	$229,030
				10% CONTINGENCY =====>	$22,903
				TOTAL CONSTRUCTION FOR TULLY ROAD CENTER 34' FEET =====>	$251,933
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,115.98	$15,116
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,557.99	$7,558
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,077.32	$10,077
				TOTAL FEES =====>	$32,751
				TOTAL TULLY ROAD CENTER 34 FEET =====>	$284,684
				TOTAL AMOUNT FUNDED BY CFF =====>	$220,000
				TOTAL TULLY ROAD (CENTER 34 FEET) FUNDED BY PELANDALE-SNYDER CFD =====>	**$64,684**
III.	**TRAFFIC SIGNAL AT TULLY ROAD AND SNYDER AVENUE**				
A.	CONSTRUCTION				
1.	TRAFFIC SIGNAL	LUMP SUM	LS	$130,000.00	$130,000
				CONSTRUCTION TOTAL =====>	$130,000

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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$7,800.00	$7,800
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$3,900.00	$3,900
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$5,200.00	$5,200
				TOTAL FEES =====>	$16,900
				TOTAL TRAFFIC SIGNAL TULLY AND SNYDER =====>	**$146,900**
				TULLY ROAD GRAND TOTAL =====>	**$1,011,016**

NOTES:

1. THIS ESTIMATE ITEM II IS FOR THE ENTIRE COST OF THE CENTER 34 FEET OF TULLY ROAD IMPROVEMENTS. THE CENTER 34 FEET OF IMPROVEMENTS ON TULLY ROAD ARE FUNDED BY THE CFF PROGRAM, HOWEVER, THE FUNDS ARE NOT AVAILABLE FOR THE ENTIRE PROJECT SO A PORTION OF THE PROJECT NOT FUNDED BY CFF WILL BE FUNDED BY THE PELANDALE-SNYDER CFD.

2. THIS ESTIMATE IS BASED ON THE ASSUMPTION THAT THE CENTER 26+/- FEET OF EXISTING PAVEMENT WILL REMAIN AND ADJACENT DEVELOPMENT WILL BE REQUIRED TO MATCH EXISTING PAVEMENT.

3. THE ABOVE COST ESTIMATE INCLUDES THE COST FOR IMPROVEMENTS FROM THE NORTH SIDE OF THE MODESTO IRRIGATION DISTRICT LATERAL TO PELANDALE AVENUE.

4. THE TULLY ROAD IMPROVEMENTS INCLUDE A COST TO REMOVE AND REPLACE THE EXISTING IMPROVEMENTS ALONG THE BIG VALLEY GRACE COMMUNITY CHURCH FRONTAGE (50' EXISTING TO 57' CITY STANDARD) TO BRING THE CROSS SECTION TO CITY STANDARD. HOWEVER, SPECIFIC DECELERATION OR ACCELERATION LANES WHICH ARE SITE SPECIFIC IMPROVEMENTS ARE NOT INCLUDED IN THE ESTIMATE.

5. THE RIGHT-OF-WAY COSTS ARE THE REQUIRED DEDICATIONS FOR RIGHT-OF-WAY BEYOND THE ALREADY EXISTING DEDICATIONS.

6. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
SNYDER AVENUE
NORTH SIDE ADJACENT TO STORM DRAIN BASIN,
WEST OF PRESCOTT ROAD (352'), SOUTH SIDE
ADJACENT TO BIKE TRAIL FROM
PRESCOTT ROAD TO CARVER ROAD (2,639' C.L. TO C.L.)
(REFERENCE FIGURES 5, 5A, 5B, AND 5C)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	**SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN**				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	4,960	SF	$0.35	$1,736
2.	PAVEMENT (0.40' A.C. OVER 0.55' A.B., T.I. = 8 R.V. = 46)	4,085	SF	$2.00	$8,170
3.	6" VERTICAL CURB AND GUTTER	352	LF	$9.00	$3,168
4.	5' SIDEWALK	1,760	SF	$3.00	$5,280
5.	STORM DRAINAGE				
a.	12" STORM DRAIN	265	LF	$30.00	$7,950
b.	CATCH BASIN	1	EA	$1,000.00	$1,000
c.	STORM MANHOLE	1	EA	$2,500.00	$2,500
6.	SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$495.30	$495
7.	TRAFFIC CONTROL	LUMP SUM	LS	$1,000.00	$1,000
8.	IRRIGATION REMOVAL	316	LF	$10.00	$3,160
				CONSTRUCTION TOTAL =====>	$34,459
				10% CONTINGENCY =====>	$3,446
	TOTAL SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN CONSTRUCTION =====>				$37,905
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$2,274.31	$2,274
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$1,137.16	$1,137
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$1,516.21	$1,516
				TOTAL FEES =====>	$4,928
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.11	AC	$65,000.00	$7,410
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$9,910
	SNYDER AVENUE ADJACENT TO THE STORM DRAIN BASIN TOTAL =====>				**$52,743**

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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	**SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL**				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	51,575	SF	$0.35	$18,051
2.	PAVEMENT (0.40' A.C. OVER 0.55' A.B.; T.I. = 8, R.V. = 48)	47,020	SF	$2.00	$94,040
3.	PAVEMENT REMOVAL	59,730	SF	$1.50	$89,595
4.	6" VERTICAL CURB AND GUTTER	2,538	LF	$9.00	$22,842
5.	STORM DRAINAGE				
a.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	250	LF	$30.00	$7,500
b.	CATCH BASINS	5	EA	$1,000.00	$5,000
c.	STORM MANHOLE	5	EA	$2,500.00	$12,500
6.	ELECTROLIERS (660' INTERVALS)	4	EA	$3,500.00	$14,000
7.	SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$5,604.56	$5,605
8.	TRAFFIC CONTROL	LUMP SUM	LS	$5,000.00	$5,000
9.	ABANDON EXISTING PUMP STATION NO. 47	LUMP SUM	LS	$4,500.00	$4,500
				CONSTRUCTION TOTAL =====>	$278,633
				10% CONTINGENCY =====>	$27,863
				TOTAL SNYDER AVENUE ADJACENT TO BIKE TRAIL CONSTRUCTION =====>	$306,496
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$18,389.77	$18,390
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$9,194.88	$9,195
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$12,259.84	$12,260
				TOTAL FEES =====>	$39,844
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.58	AC	$65,000.00	$102,700
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$105,200
				SNYDER AVENUE ADJACENT TO THE BIKE TRAIL TOTAL =====>	**$451,541**
				SNYDER AVENUE GRAND TOTAL =====>	**$504,283**

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NOTES:

A. SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN

1. THE SNYDER AVENUE IMPROVEMENTS ADJACENT TO THE STORM DRAINAGE BASIN, INCLUDE THE COST FOR IMPROVEMENT FROM THE WEST SIDE OF THE PROPOSED BASIN PROPERTY TO THE RETURN AT PRESCOTT ROAD.

2. THE RIGHT-OF-WAY COSTS IS THE AREA OF DEDICATION REQUIRED ASSUMING AN EXISTING 20 FOOT DEDICATION ON THE NORTH SIDE OF SNYDER AVENUE.

B. SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL

1. THE SNYDER AVENUE IMPROVEMENTS INCLUDE THE COSTS FOR ROADWAY IMPROVEMENTS (EXCLUDING BIKE TRAIL) SOUTH OF THE CENTERLINE (20') FROM PRESCOTT ROAD TO CARVER ROAD.

2. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

3. NO "MAINLINE" STORM DRAIN IMPROVEMENTS ARE INCLUDED SINCE THOSE COSTS ARE INCLUDED WITHIN THE STORM DRAIN COMPONENT OF THE C.F.D.

4. NO COSTS ARE INCLUDED IN THIS ESTIMATE FOR THE CLASS I BIKE TRAIL ADJACENT TO SNYDER AVENUE.

5. THE PAVEMENT REMOVAL QUANTITIES INCLUDES THE COST TO REMOVE THE ENTIRE EXISTING PAVEMENT SECTION FROM PRESCOTT ROAD TO CARVER ROAD.

6. THIS ESTIMATE INCLUDES A COST TO ABANDON EXISTING STORM DRAIN PUMP STATION NO. 47 ASSUMING CONNECTION TO THE POSITIVE STORM DRAIN SYSTEM.

7. NO COST FOR EXISTING POWER POLE RELOCATION IS INCLUDED IN COSTS.

8. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BIKE TRAIL SYSTEM
(REFERENCE FIGURE 6)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	**DESIGN PARAMETERS**				
1.	INSTALL 18' BIKE TRAIL SYSTEM (8' PATH, 10' LANDSCAPING, AND 4-6' FENCE) ALONG SNYDER AVENUE FROM PRESCOTT ROAD TO CARVER ROAD.				
2.	INSTALL 25' BIKE TRAIL SYSTEM (8' PATH, 17' LANDSCAPING, AND 4-6' FENCE) ALONG MODESTO IRRIGATION DISTRICT LATERAL NO. 6 FROM CARVER ROAD TO THE UNION PACIFIC RAILROAD.				
3.	TOTAL LENGTH 8276 L.F. OR 1.567 MILES				
	EXISTING CFF PORTION	1.567	MILES	$105,600.00	$165,475
II.	**CLASS I BIKE TRAIL**				
A.	CONSTRUCTION				
1.	8' BIKE PATH WITH 2' GRAVEL SHOULDER (8,276 L.F. x 8')	66,208	SF	$2.00	$132,416
2.	4'-6' FENCE	8,276	LF	$16.00	$132,416
3.	LANDSCAPING (6' AREA FROM PRESCOTT TO CARVER (2,770 L.F.); 13' AREA FROM CARVER TO UNION PACIFIC RAILROAD (5,506 L.F.))	88,198	SF	$2.80	$246,954
				CONSTRUCTION TOTAL =====>	$511,786
				10% CONTINGENCY =====>	$51,179
				TOTAL BIKE PATH =====>	$562,965
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$33,777.90	$33,778
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$16,888.95	$16,889
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$22,518.60	$22,519
				TOTAL FEES =====>	$73,185

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	4.30	AC	$65,000.00	$279,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$282,000
				BIKE PATH GRAND TOTAL =====>	$918,150
				CFF PORTION TOTAL =====>	$165,475
				TOTAL PELANDALE-SNYDER CFD PORTION =====>	**$752,675**

NOTES:

1. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

2. THIS ESTIMATE DOES NOT INCLUDE ANY COSTS ASSOCIATED WITH THE SNYDER AVENUE ROAD IMPROVEMENTS.

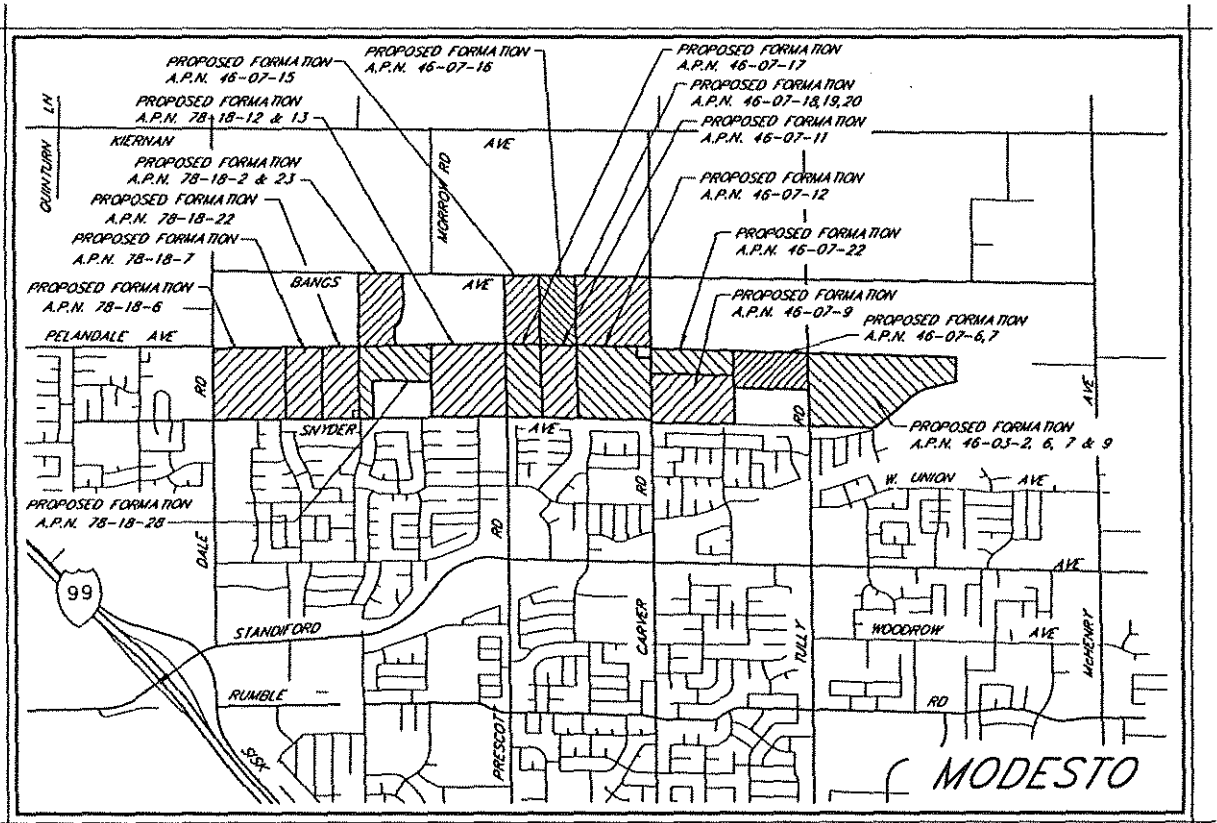
PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
FORMATION COSTS
AND
LANDSCAPE AREAS
TO BE INCLUDED IN THE
ANNUAL MAINTENANCE COSTS
AND ANNUAL ADMINISTRATION COSTS

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	FORMATION COSTS				
1.	INITIAL FEES ASSOCIATED WITH FORMATION OF DISTRICT	LUMP SUM	LS	$67,500.00	$67,500
	TOTAL ESTIMATED FORMATION COSTS =====>				$67,500
B.	LANDSCAPE FACILITIES FOR ANNUAL MAINTENANCE				
1.	DALE ROAD (EAST SIDE), 12' WIDE LANDSCAPE STRIP (1,225 LF x 12' = 14,700 SF)	14,700	SF	$0.72	$10,584
2.	PRESCOTT ROAD (EAST SIDE), 12' WIDE LANDSCAPE STRIP (1,225 LF x 12' = 14,700 SF)	14,700	SF	$0.72	$10,584
3.	PRESCOTT ROAD 16' CENTER MEDIAN	10,750	SF	$0.72	$7,740
4.	TULLY ROAD (BOTH SIDES), 12' WIDE LANDSCAPE STRIP (2,650 LF x 12' = 31,800 SF)	31,800	SF	$0.72	$22,896
5.	TULLY ROAD 16' CENTER MEDIAN	10,750	SF	$0.72	$7,740
6.	CLASS I BIKE TRAIL	88,198	SF	$0.72	$63,503
7.	PELANDALE AVENUE (SOUTH SIDE) 12.5' WIDE LANDSCAPE STRIP WITH 4' SIDEWALK (13,000 L.F. x 8' = 104,000 S.F.)	104,000	SF	$0.72	$74,880
8.	CARVER WEST SIDE BACK-UP LOTS SOUTH OF PELANDALE AVENUE (515 L.F. x 5' = 2,575)	2,575	SF	$0.72	$1,854
9.	LANDSCAPING SURROUNDING STORM DRAIN BASINS	35,000	SF	$0.72	$25,200
	TOTAL ANNUAL LANDSCAPE MAINTENANCE COSTS =====>				$224,981

SUMMARY ANNUAL LANDSCAPE MAINTENANCE COSTS AND ADMINISTRATION COSTS:

ESTIMATED COST PER NET ACRE PER YEAR ==========> **$852**
EXCLUDING CHURCH PROPERTY (264.03 ACRES)

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA



CFD 1998-2 FORMATION MAP

NO SCALE

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70-332/CFD/CFD1.DWG

BASIS OF BEARINGS :
THE BEARING OF SOUTH 89°17'39" WEST ALONG THE LINE BETWEEN GPS MONUMENTS 3722 AND 2721 AS SHOWN IN BOOK 22 OF SURVEYS AT PAGE 51, STANISLAUS COUNTY RECORDS, WAS USED AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

NOTE :
THE DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCES BY THE GRID FACTOR (.9999303334) TO OBTAIN GRID DISTANCES.

SURVEYOR'S STATEMENT :

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS BASED ON INFORMATION OF RECORD AS NOTED ON THE MAP. I HEREBY STATE THAT THE MAP SUBSTANTIALLY CONFORMS TO THE REQUIREMENTS FOR A COMMUNITY FACILITIES DISTRICT MAP AS PRESCRIBED IN DIVISION 4.5 OF THE STREETS AND HIGHWAYS CODE.

DATED THIS ___ DAY OF _____ , 1998

_____
ROY A. GALLI , R.C.E. 16024

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO THIS ___ DAY OF _____, 1998.

_____
JEAN ZAHR , CITY CLERK

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2, (CARVER-BANGS/PELANDALE-SNYDER), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO, AT A MEETING THEREOF, HELD ON THE ___ DAY OF ___, 1998, BY ITS RESOLUTION NO. _____

_____
JEAN ZAHR , CITY CLERK

RECORDER'S STATEMENT :

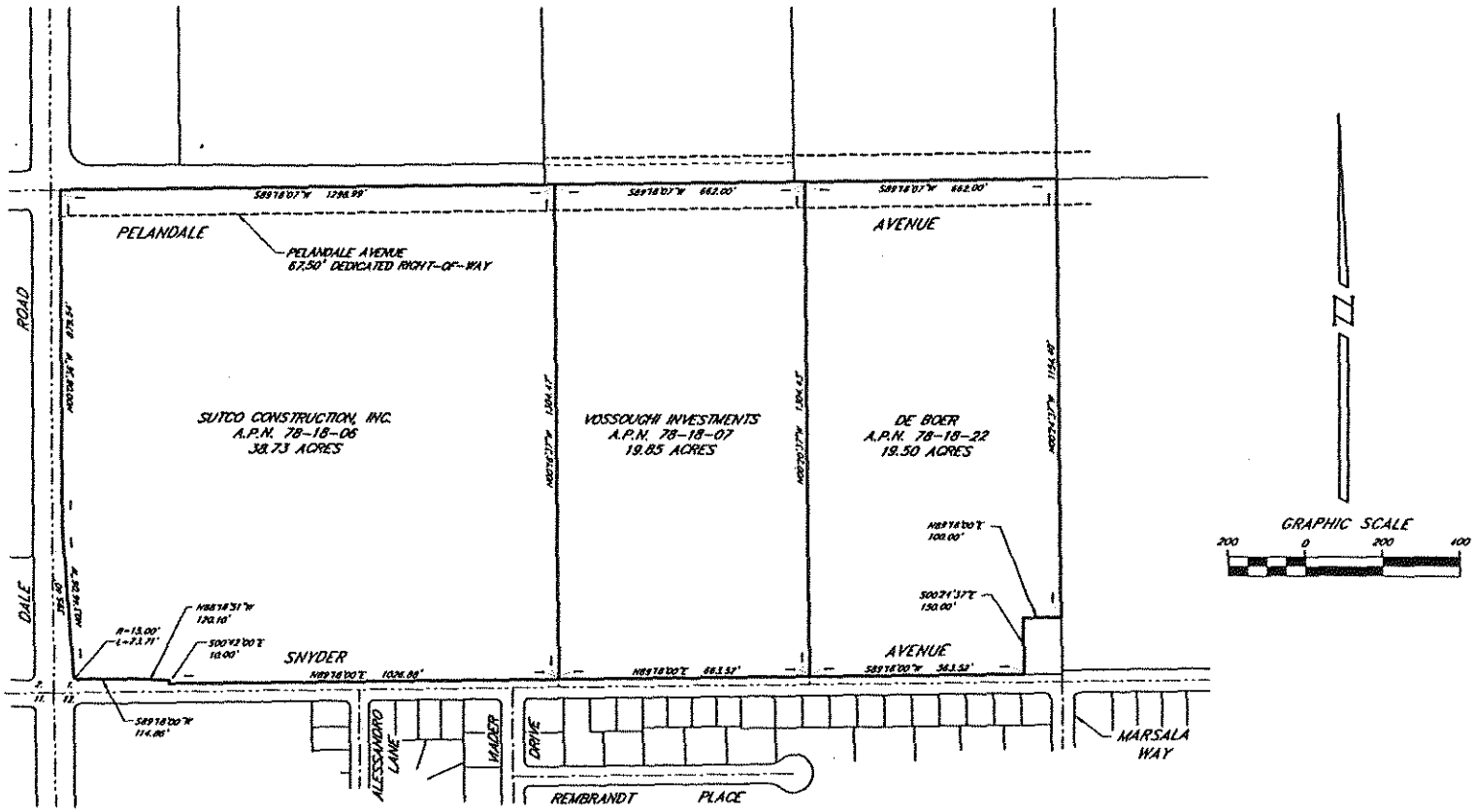
FILED THIS ___ DAY OF _____, 1998, AT THE HOUR OF _____ O'CLOCK , ___ M., UNDER RECORDER'S INSTRUMENT NO. _____, IN BOOK ___ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE ___, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

KAREN MATHEWS , COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BY : _____
DEPUTY

EXHIBIT B

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA



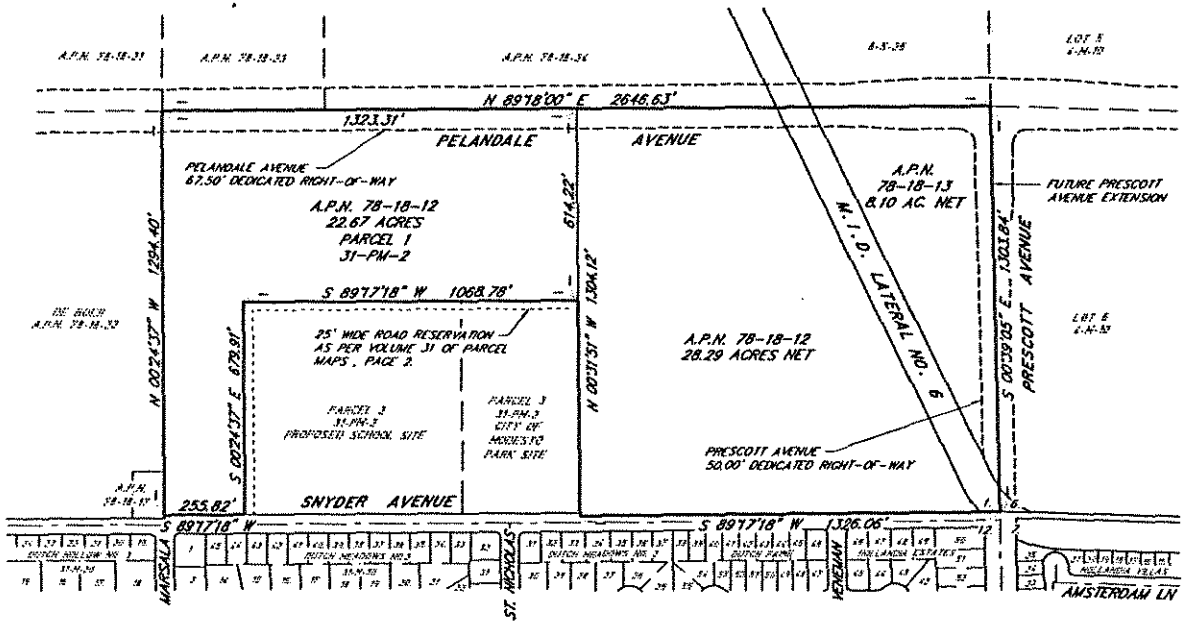
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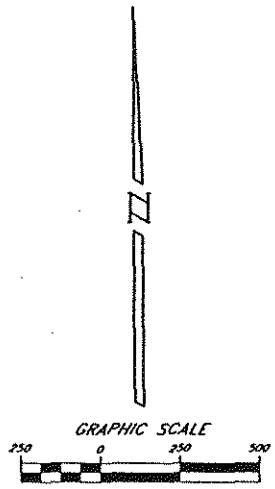
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PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA





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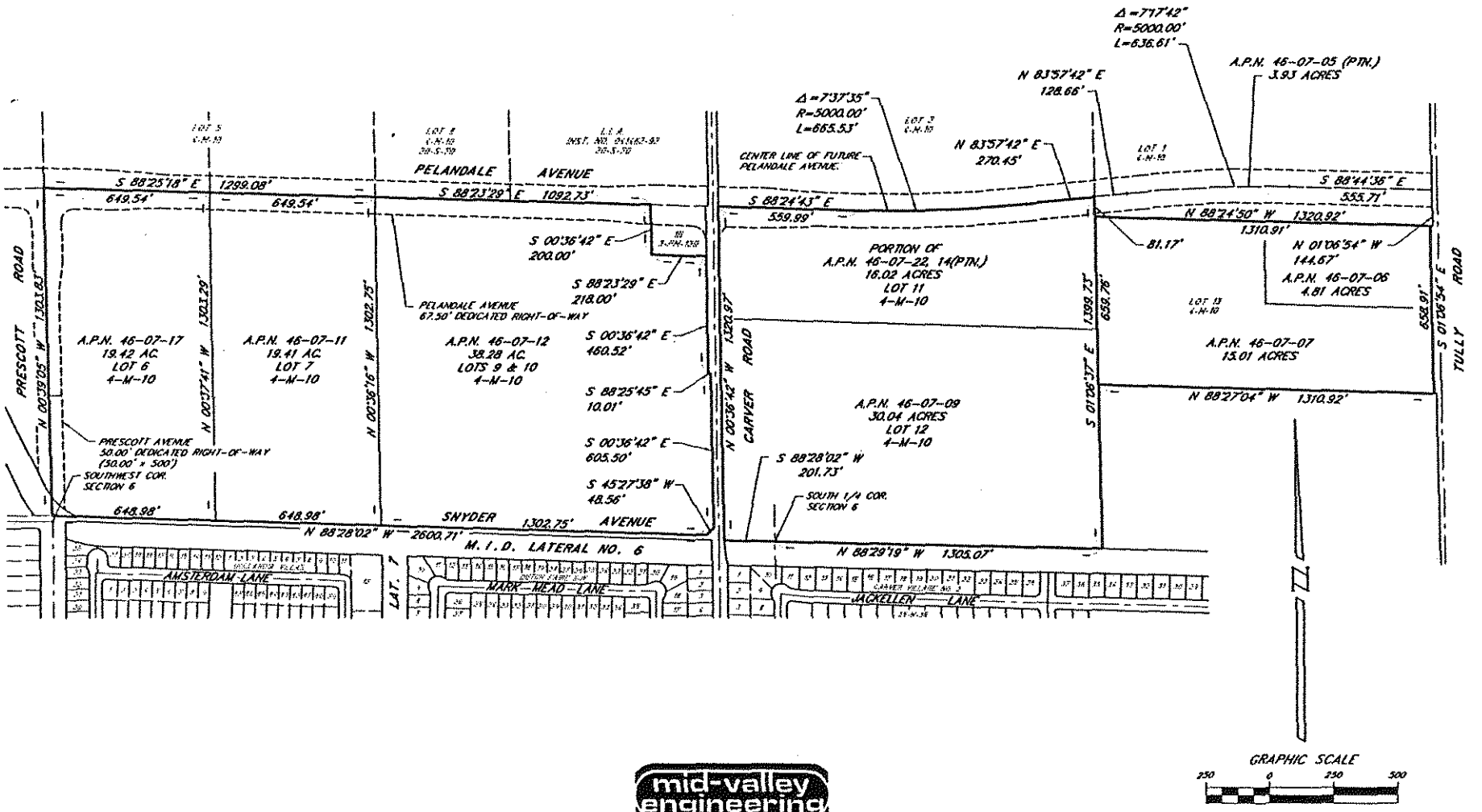
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SHEET 3 OF 6

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA



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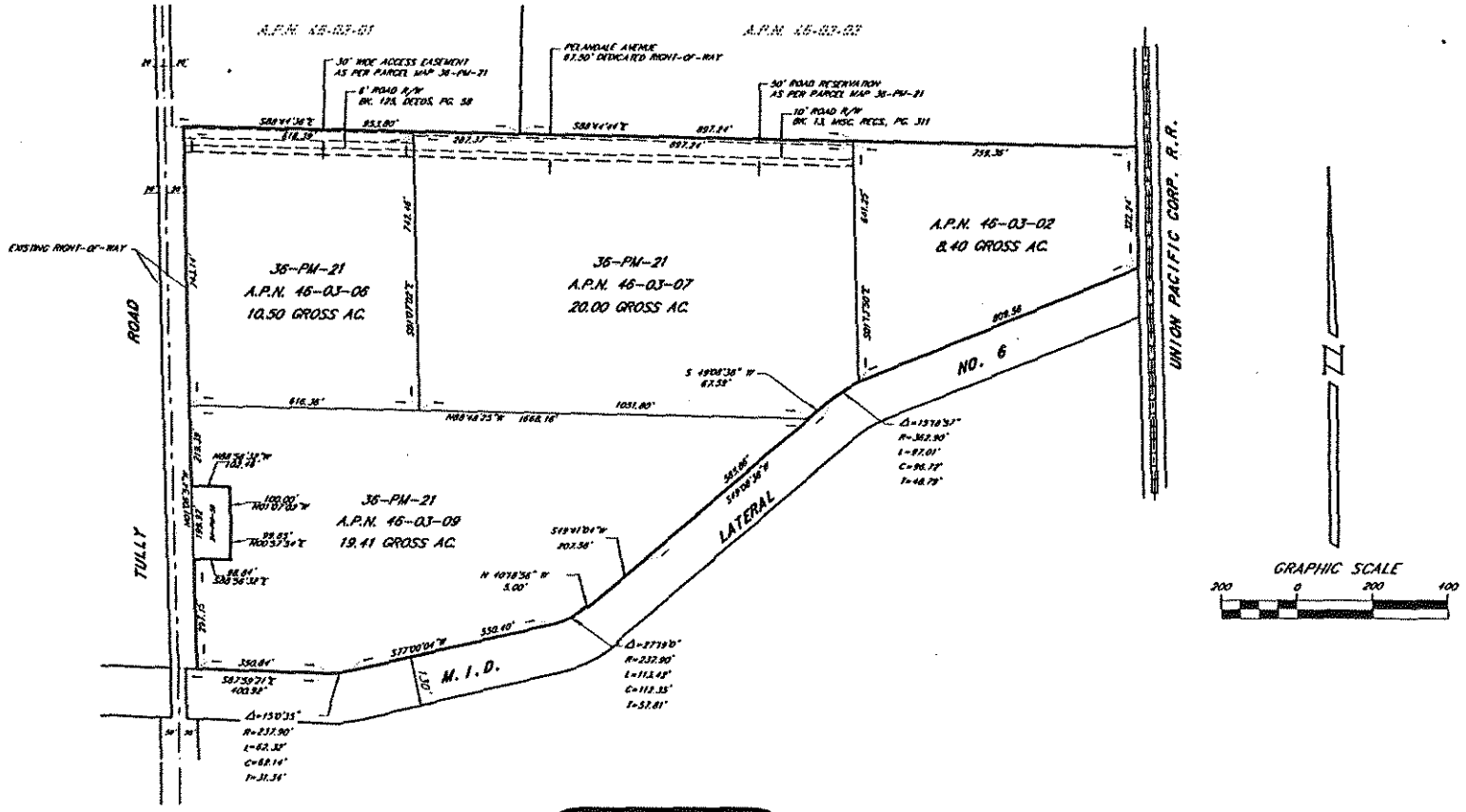
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SHEET 4 OF 6

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA

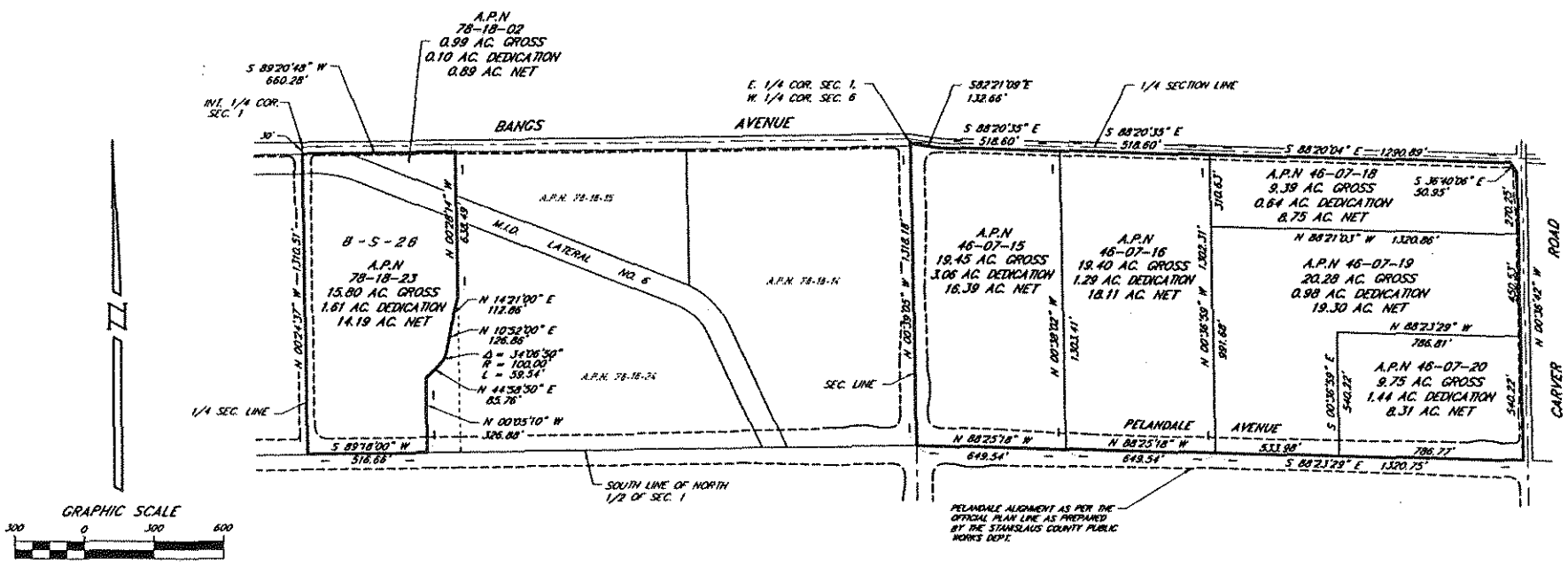


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PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA



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MODESTO CITY COUNCIL
RESOLUTION NO. 98-583

Print

A RESOLUTION ENDORSING AN UPCOMING ELECTION FOR A ONE-EIGHTH (1/8) CENT SALES TAX MEASURE THAT SUPPORTS THE STANISLAUS COUNTY LIBRARY AND OTHER LIBRARY EVENTS

WHEREAS, pursuant to a letter dated November 9, 1998, from Starrett Kreissman, County Librarian, the Council, at its meeting held on November 10, 1998, considered endorsing an upcoming election for a one-eighth (1/8) cent sales tax measure that supports the Stanislaus County Library and other Library events,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby endorse the upcoming election in support of the extension of the one-eighth (1/8) cent sales tax which funds the Stanislaus County Library.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	Conrad
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-584

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE PROJECT TITLED "C STREET/SECOND STEET/G STREET – EMPIRE – WATER SYSTEM IMPROVEMENTS"

WHEREAS, the bids received for C Street/Second Street/G Street – Empire – Water System Improvements Project were opened at 11:00 a.m. on September 22, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $213,405 from Rolfe Construction be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-585

Print

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $95,055 TO FULLY FUND C STREET/SECOND STREET/G STREET – EMPIRE – WATER SYSTEM IMPROVEMENTS PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer is approved:

FROM: 615 480 J520 All; $79,055
615 440 K 568 6040; $16,000

TO: 615 480 J517 6010; $22,880
615 480 J517 6040; $60,835
615 480 J517 6060; $11,340

Transfer is needed to consolidate all available funds into one account for tracking project costs and ease of accounting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-586

Print

A RESOLUTION ACCEPTING THE BID OF FAGUNDES & SON FOR THE PROJECT TITLED ELM AVENUE WATERLINE PROJECT – BROADWAY AVENUE TO BUS AVENUE – SALIDA, CALIFORNIA

WHEREAS, the bids received for Elm Avenue Waterline Project – Broadway Avenue to Bus Avenue - Salida were opened at 11:00 a.m. on October 27, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $92,168 from Fagundes & Son be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-587

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDING FROM THE WATER FUND CONTINGENCY RESERVES

WHEREAS, a new 8" waterline will be extended into a developed area that is currently served by a 2" water main. Fire hydrants will also be installed; and

WHEREAS, funds are partially budgeted with additional funding in the amount of $27,000 needed from the Water Contingency Reserves Fund.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures	
616-800-8000-8003 Contingency Reserve	$(27,000)
616-440-K635-6040 Replace Water Mains	$ 27,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Cathie Brown
for STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 98-588

Print

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND VANIR CONSTRUCTION MANAGEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE MODESTO POLICE BUILDING EXPANSION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Vanir Construction Management for construction management services for the Modesto Police Building Expansion Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-589

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SENIOR OPPORTUNITY SERVICES PROGRAM (S.O.S.P.) FOR LEASE OF CITY-OWNED FACILITY AT 416 DOWNEY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Senior Opportunity Services Program (SOSP) for lease of City-owned facility at 416 Downey Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-590

Print

A RESOLUTION AUTHORIZING THE SALE OF "EDPRO", A DATABASE SOFTWARE PROGRAM RELATING TO ECONOMIC DEVELOPMENT.

WHEREAS, the Business Development Office staff has creatively developed EDPro software, a database program to assist with the operations of an economic development program, and

WHEREAS, it has been determined that there is a significant need to other economic development organizations for such a software program in order to provide a continuous assessment of their business community, and

WHEREAS, the Business Development Office staff has recommended to the Council a proposal to offer EDPro software for sale to other economic development organizations, at suggested tiered pricing, and

WHEREAS, the Committee for Economic Development, Community and Intergovernmental Relations, has reviewed the proposal to sell said software as recommended by City staff, and

WHEREAS, said matter was considered by the Council at its meeting of November 10, 1998,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of EDPro software at tiered pricing: a lower price to smaller cities and organizations; and a higher price to larger agencies with more users, as follows:

Software price: $595 for agencies with 1-3 software users

$850 for agencies with 4 or more users

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-591

Print

A RESOLUTION OF INTENTION TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (Annexation #2)

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

WHEREAS, pursuant to the Act, this Council did, by its Resolution No. 96-544, adopted on October 8, 1996, (the "Resolution of Formation") establish Community Facilities District No. 1996-1 ("the District"), and

WHEREAS, by its Resolution No. 97-520 adopted on September 9, 1997, this Council resolved to complete annexation #1 to the District, and

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

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

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

SECTION 1. The above recitals are true and correct.

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

SECTION 3. The original boundaries of the District are shown on a map entitled "Proposed Boundaries of Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California" on file with the County Recorder of the County of Stanislaus, at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 70.

SECTION 4. District boundaries after the 1997 annexation are shown on a map entitled "Annexation No. 1 to Community Facilities District No. 1996-1 (Village One)" on file with the County Recorder of the County of Stanislaus at Book 2 of Maps of Assessment and Community Facilities Districts, at Page 82.

SECTION 5. The Annexed Territory is described on Exhibit "A" to this Resolution.

The boundaries of the Annexed Territory are also shown on the maps thereof, entitled "Annexation Map No. 2 of the Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California," on file in the office of the City Clerk, and hereby approved and adopted. Pursuant to Sections 3110.5 and 3113 of the California Streets and Highways Code, the City Clerk shall endorse her certificate on the original and one copy of the map evidencing the date and adoption of this Resolution, file the original in her office and, not later than 10 days after the adoption of this Resolution, file a copy of the map with the

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

SECTION 6. The types of public facilities and services authorized to be provided to the District are set forth in the Resolution of Formation. These same types of facilities and services plus a comprehensive signage program as described in Resolution No. 97-174, adopted by the City Council on April 1, 1997, will be provided to the Annexed Territory.

SECTION 7. The Maintenance Special Tax component of the special tax to be levied in the Annexed Territory shall be the same as the Maintenance Special Tax currently levied in the original District, as set forth in the Resolution of Formation. The Facilities Special Tax component of the special tax to be levied in the Annexed Territory shall be slightly higher than that levied in the original District, to account for the additional cost of the community signage program, as referenced in Section 5 hereof. The Facilities Special Tax for the Annexed Territory is described in the City's Public Report, on file with the City Clerk, amended April, 1997. It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified electors of the Annexed Territory at an election to be held subsequent to the approval of this Resolution of Intention, that then, and in that sole event, the annexation of the Annexed Territory shall be a nullity, and void from the date of the public hearing on this resolution where it is approved.

SECTION 8. A public hearing upon this Resolution shall be held at 7:00 p.m., or as soon thereafter as practicable, on Tuesday, December 15, 1998, at the regular meeting place of the City Council, City Council Chambers, 801 - 11th Street, 1st Floor, Modesto, California, 95354, such time being not less than 30 or more than 60 days following the adoption thereof.

SECTION 9. At the hearing, any interested persons for or against the annexation of the Annexed Territory to the District, and the levy of the special tax therein, may appear and will be heard and considered. Any protest may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the hearing.

SECTION 10. The City Clerk is directed to publish, not later than seven (7) days prior thereto, a notice of the hearing, in the form required by the Act, in a newspaper of general circulation published in the area of the District, being the Modesto Bee, and otherwise in accordance with Section 6061 of the California Government Code, stating (a) the text or a summary of this Resolution, (b) the time and place of the hearing, and (c) that all interested persons for or against the proposed annexation or the levying of the special tax therein will be heard.

SECTION 11. (a) If a majority (but at least six) of the registered voters residing within the District or a majority (but at least six) of the registered voters residing within the Annexed Territory, or the owners of one-half or more of the area of land in the District and not exempt from the special tax, or the owners of one-half or more of the Annexed Territory, file written protests against the proposed annexation of the Annexed Territory to the District, and the protests are not withdrawn so as to reduce the value of the protests to less than a majority, no further proceedings to annex the Annexed Territory, or to levy the District special tax therein, shall be taken for a period of one year from the date of the election of the Council on the issues discussed at the hearing.

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

The foregoing Resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman _____, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Exhibit "A"

Annexation #2 to
Community Facilities District
No. 1996-1
(Village One)

OPERA HOUSE SUBDIVISION

DESCRIPTION

All of Lot 12 of the "Santa Fe Colony" according to the official map thereof, filed for record in Volume 4 of Maps, Page 12, Stanislaus County Records, located in Section 11, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the northeast corner of said Lot 12, said point being on the centerline of Sylvan Avenue; thence South 0°29'00" East along the east line of said Lot 12 a distance of 1322.95 feet to the southeast corner of said Lot 12; thence North 89°42'09" West along the south line of said Lot 12 a distance of 657.00 feet to the southwest corner of said Lot 12; thence North 0°30'19" West along the west line of said Lot 12 a distance of 1323.29 feet to the northwest corner of said Lot 12; thence South 89°40'25" East along the north line of said Lot 12, being also said centerline Sylvan Avenue, a distance of 657.51 feet to the point of beginning.

Containing: 19.96 acres

Exhibit "A"

Annexation #2 to
Community Facilities District
No. 1996-1
(Village One)

Fernwood

All that certain real property situated in the County of Stanislaus, State of California, described as follows:

Parcel 2 as shown on that certain parcel map filed September 11, 1996 in Volume 47 of Parcel Maps, Page 90, Stanislaus County Records; and being a portion of the West one-half of the southeast quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California.

Assessor's Parcel Number: 2-132/052-20-75-070

Exhibit "A"

Annexation #2 to
Community Facilities District
No. 1996-1
(Village One)

Wildflower

All that certain real property situated in the County of Stanislaus, State of California, described as follows:

Lots 1-56 inclusive in Block 11440, Lots 1-21 inclusive in Block 11441, Lots 15-24 inclusive in Block 11447, Lots 17-30 inclusive in Block 11447, Lots 17-30 inclusive in Block 11438 of Wildflower, according to the official map thereof, filed in the office of the recorder of Stanislaus County , California, on September 15, 1998 in Volume 38 of maps, at page 31.

Saving, excepting and reserving therefrom an undivided one-half interest in and to all oil, gas and other hydrocarbons and minerals now or at any time hereafter situated therein and thereunder, or which may be produced from said property, as excepted and reserved in the deed from John L. Gregg, a married man, Elizabeth Newsom, a married woman, also known as Elizabeth G. Newsom and Callie Blank, a married woman, formerly Callie Greg, dated October 10, 1951 and recorded October 22, 1951 in Volume 1053 of Official Records, at Page 234.

Assessor's Parcel Number: 2-132-077-09-02-271

Exhibit "A"

Annexation #2 to
Community Facilities District
No. 1996-1
(Village One)

Legends

Parcel No. 1:

Lots 1 thru 19, Block 11386; Lots 1 thru 18, Block 11388; Lots 1 thru 7, Block 11389; Lots 1 thru 7, Block 11390; Lots 1 thru 5, Block 11391 and Lot C of LEGENDS VILLAGE UNIT NO. 1. as per map filed May 20, 1998 in Volume 38 of Maps, at Page 7, Stanislaus County Records.

Parcel No. 2:

Lots 2 and 3 of Adams Colony, as per map filed October 18, 1908 in volume 4 of Maps, at Page 5, Stanislaus County Records. Excepting from said Lot 3, the easterly 321 feet thereof, measured along the North and South line thereof. Also excepting therefrom all of Legends Village Unit No. 1 as per map filed May 20, 1998 in Volume 38 of Maps at Page 7, Stanislaus County Records.

Assessor's Parcel No: 052-23-16-070 (underlying)

Exhibit "A"

Annexation #2 to
Community Facilities District
No. 1996-1
(Village One)

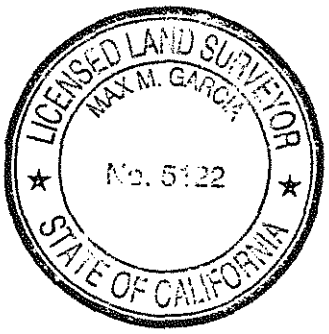
BRADLEY ESTATES

A portion of the south half of Section 13, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, situate in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the northeast corner of the Nottingham Place Phase One Subdivision Map recorded September 5, 1996 in Book 37 of Maps at Page 55, Stanislaus County Records, said point lying at the intersection of the south line of a 40 foot wide road known as Merle Avenue and the east line of Maid Mariane Lane, said east line being 18.50 feet east of and parallel with the centerline of said Maid Mariane Lane; thence South 00°27'34" East along said east line of Maid Mariane Lane, a distance of 1233.27 feet to the north line of M.I.D. Lateral No. 3; thence along said north line, North 89°52'35" East, a distance of 596.84 feet; thence North 00°24'16" West, a distance of 1233.33 feet to the south line of said Merle Avenue; thence South 89°52'13" West along said south line of Merle Avenue, a distance of 598.02 feet to the point of beginning.

Contains 16.91 Acres, more or less

The real property described has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.



Max M. Garcia 11/6/98

Max M. Garcia, L.S. 5122 Date
License Expires: 06/30/99

7086LG05.DOC
11/6/98

Exhibit "A"

Annexation #2 to
Community Facilities District
No. 1996-1
(Village One)

Center Court

Legal Description

All that real property being a portion of Center Court Subdivision shown on the Map filed for record on December 1, 1997 in Book 37 of Maps, at Page 89, Stanislaus County Records, more particularly described as follows:

Beginning at the Northwest Corner of said Center Court Subdivision, said corner being the Northwest Corner of Lot 1 of Block 11232 shown on said Map of Center Court Subdivision; thence North 89°21'05" East, along the North line of said Subdivision, a distance of 656.72 feet to the Northeast Corner of said Subdivision; thence South 01°00'43" East, along the East line of said Subdivision, a distance of 1093.05 feet to a point of intersection of said East line and the easterly prolongation of the South line of Lot 6 of Block 11236; thence South 88°59'17" West, along said prolongation and the South line of said Lot 6, a distance of 104.00 feet; thence North 71°51'55" West, along the southerly lines of Lot 5 and Lot 4 of said Block 11236, a distance of 161.94 feet to an angle point in the South line of said Lot 4; thence South 88°58'11" West, along the South line of said Block 11236 and the South line of Block 11223, a distance of 399.39 feet to a point on the West Boundary line of said Center Court Subdivision; thence North 31°14'38" East, along said West line of said Subdivision, a distance of 1229.86 feet to the Point of Beginning, and containing 15.93 Acres, more or less.

END DESCRIPTION

MODESTO CITY COUNCIL
RESOLUTION NO. 98-592

Print

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE OFFICE OF THE CITY MANAGER OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 96-614.

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

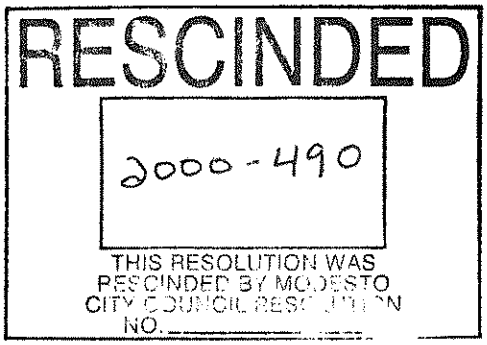
WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of amended conflict of interest codes for various City departments, including the Office of the City Manager,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code of the Office of the City Manager of the City of Modesto, as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 96-614 adopted by the Council is hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE

OF THE

OFFICE OF THE CITY MANAGER

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Office of the City Manager.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

OFFICE OF THE CITY MANAGER CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions	Disclosure Category
Assistant to the City Manager	2
City Manager	1
Communications & Marketing Manager	2
Consultant	3
Deputy City Manager	2
Management Analyst	2

OFFICE OF THE CITY MANAGER CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The City Manager is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

RESCINDED
Print
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-593

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE FINANCE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 96-617.

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of amended conflict of interest codes for various City departments, including the Finance Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby adopts an amended Conflict of Interest Code of the Finance Department of the City of Modesto, as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 96-617 adopted by the Council is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE

OF THE

FINANCE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Finance Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

FINANCE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions	Disclosure Category
Accounting Division Manager	2
Administrative Technician (Purchasing Division)	3
Buyer	3
Consultant	5
Customer Services Division Manager	2
Deputy Information Services Manager	4
Director of Finance	1
Financial/Investment Officer	2
Manager of Budget and Financial Analysis	2
Purchasing Officer	2
Stores Manager	3
Systems Analyst	2
Systems Manager	2

FINANCE CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: The Director is required, pursuant to Government Code Section 87200, to disclose investments, interests in real property and income. No other or additional disclosure requirements are imposed by this Conflict of Interest Code.

Group 2: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction.

Group 4: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture, sell or design data processing equipment or related services.

Group 5: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-594

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE FIRE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 95-287.

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of amended conflict of interest codes for various City departments, including the Fire Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code of the Fire Department of the City of Modesto, as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 95-287 adopted by the Council is hereby rescinded.

RESCINDED
2000-493
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE

OF THE

FIRE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Fire Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

FIRE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions	Disclosure Category
Buyer	1
Consultant	3
Fire Chief	1
Fire Division Chief	1
Fire Battalion Chief	1
Fire Marshall	1
Fire Prevention Bureau Captain	2
Plan Checker	2

FIRE DEPARTMENT CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture or sell fire-related equipment or parts.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-595

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE PERSONNEL DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 94-703.

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of amended conflict of interest codes for various City departments, including the Personnel Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code of the Personnel Department of the City of Modesto, as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 94-703 adopted by the Council is hereby rescinded.

RESCINDED
2000-495
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE

OF THE

PERSONNEL DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Personnel Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

PERSONNEL DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions	Disclosure Category
Assistant Risk Manager	1
Consultant	3
Personnel Director	1
Risk Manager	1
Workers Compensation Claims Examiner	2

PERSONNEL DEPARTMENT
CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts - Schedules A, C-2, D, E, F, G, and H - from all individuals or businesses involved in healthcare or vocational rehabilitation, which are located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-596

Print

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING AN AMENDED CONFLICT OF INTEREST CODE FOR THE POLICE DEPARTMENT OF THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 96-618.

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of amended conflict of interest codes for various City departments, including the Police Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts an amended Conflict of Interest Code of the Police Department of the City of Modesto, as submitted, a copy of which Code is attached hereto.

BE IT FURTHER RESOLVED that Resolution No. 96-618 adopted by the Council is hereby rescinded.

RESCINDED
2000-496
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. [illegible]

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE

OF THE

POLICE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Police Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

POLICE DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Positions	Disclosure Category
Administrative Analyst	2
Chief of Police	1
Consultant	3
Police Administrative Assistant	2
Police Deputy Chief	1
Police Lieutenant (Professional Standards)	2
Police Lieutenant (Four Area Commanders)	2
Records Manager	2
Stanislaus County Drug Enforcement Unit Supervisor	2

POLICE DEPARTMENT
CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C-2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction selling, manufacturing, or distributing equipment and supplies for office, personnel or vehicles.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-597

A RESOLUTION RESCINDING THE CONFLICT OF INTEREST CODE FOR THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, a Conflict of Interest Code for the Parks and Recreation Department of the City of Modesto was approved by Modesto City Council Resolution No. 77-486, and

WHEREAS, because of a reorganization of City departments, the Parks and Recreation Department no longer exists, making it necessary to rescind the Conflict of Interest Code for the Parks and Recreation Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby rescinds Resolution Nos. 77-486, and 96-616, thereby rescinding the Conflict of Interest Code for the Parks and Recreation Department.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-598

A RESOLUTION RESCINDING THE CONFLICT OF INTEREST CODE FOR THE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, a Conflict of Interest Code for the Public Works and Transportation Department of the City of Modesto was approved by Modesto City Council Resolution No. 77-489, and

WHEREAS, because of a reorganization of City departments, the Public Works and Transportation Department no longer exists, making it necessary to rescind the Conflict of Interest Code for the Public Works and Transportation Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby rescinds Resolution No. ~~97-705~~ 77-489, thereby rescinding the Conflict of Interest Code for the Public Works and Transportation Department.

Corrected 7.22.15
cae

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-599

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING A CONFLICT OF INTEREST CODE FOR THE COMMUNITY SERVICES AND NEIGHBORHOOD CONNECTIONS DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of conflict of interest codes for various City departments, including the Community Services and Neighborhood Connections Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts a Conflict of Interest Code of the Community Services and Neighborhood Connections Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

RESCINDED
2000-497
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE

OF THE

COMMUNITY SERVICES & NEIGHBORHOOD CONNECTIONS DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Community Services & Neighborhood Connections Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

COMMUNITY SERVICES & NEIGHBORHOOD CONNECTIONS DEPARTMENT

CONFLICT OF INTEREST CODE

EXHIBIT "A"

Designated Position	Disclosure Category
Administrative Analyst II	2
Assistant Director of Community Services & Neighborhood Connections	1
Community Services & Neighborhood Connections Director	1
Consultant	3
Events Supervisor	2
General Services Manager	1
Golf Manager	1
Historical Buildings Supervisor	2
Operations Supervisor	2
Parks Planning & Development Manager	1
Recreation Superintendent	1
Recreation Supervisor II	2

COMMUNITY SERVICES & NEIGHBORHOOD CONNECTIONS DEPARTMENT
CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply parks and recreation equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-600

Print

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING A CONFLICT OF INTEREST CODE FOR THE ENGINEERING AND TRANSPORTATION DEPARTMENT OF THE CITY OF MODESTO.

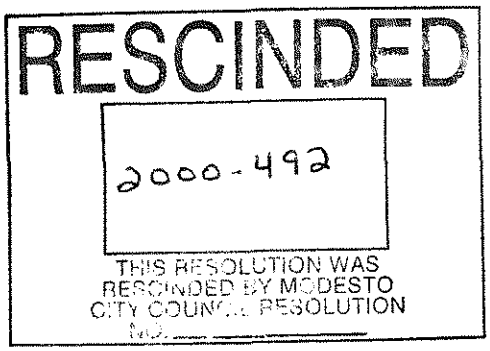
WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of conflict of interest codes for various City departments, including the Engineering and Transportation Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts a Conflict of Interest Code of the Engineering and Transportation Department of the City of Modesto as submitted, a copy of which Code is attached hereto.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE

OF THE

ENGINEERING & TRANSPORTATION DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Engineering & Transportation Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

ENGINEERING & TRANSPORTATION DEPARTMENT
CONFLICT OF INTEREST CODE
EXHIBIT "A"

Designated Positions	Disclosure Catetory
Administrative Analyst	1
Airport Manager	1
Associate Civil Engineer	1
Associate Traffic Engineer	1
Civil Engineering Assistant	1
Construction Inspector	1
Consultant	2
Deputy Engineering & Transportation Director	1
Electrical Supervisor	1
Engineering &Transportation Director	1
Integrated Waste Specialist	1
Junior/Assistant Civil Engineer	1
Junior/Assistant Traffic Engineer	1
Land Surveyor	1
Public Improvement Specialist	1
Recycling Coordinator	1
Senior Civil Engineer	1
Senior Civil Engineering Assistant	1
Senior Construction Inspector	1
Solid Waste Program Manager	1
Supervising Construction Inspector	1
Traffic Engineer	1
Transit Manager	1
Transportation Planner	1

ENGINEERING & TRANSPORTATION DEPARTMENT
CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the Modesto Urban Area General Plan.)

Group 2: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-601

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ADOPTING A CONFLICT OF INTEREST CODE FOR THE OPERATIONS AND MAINTENANCE DEPARTMENT OF THE CITY OF MODESTO.

WHEREAS, pursuant to Government Code Section 87300, every local agency must adopt a conflict of interest code, and

WHEREAS, the City Clerk is authorized to maintain a current list of the City agencies/departments which have adopted conflict of interest codes, and

WHEREAS, pursuant to Government Code Section 82011, this Council is the code reviewing body for agencies of the City of Modesto, and

WHEREAS, the Council, at its meeting of November 10, 1998, considered the adoption of conflict of interest codes for various City departments, including the Operations and Maintenance Department,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby adopts a Conflict of Interest Code of the Operations and Maintenance Department of the City of Modesto as submitted, a copy of which Code is attached hereto.

RESCINDED
2000-494
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE

OF THE

OPERATIONS & MAINTENANCE DEPARTMENT

OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Operations & Maintenance Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008). Statements for all designated employees will be retained by the Office of the City Clerk & Auditor.

OPERATIONS & MAINTENANCE DEPARTMENT
CONFLICT OF INTEREST CODE
EXHIBIT "A"

Designated Positions	Disclosure Catetory
Administrative Services Officer	1
Arborist	2
Assistant Water Quality Control Superintendent	1
Associate Traffic Engineer	1
Building Maintenance Supervisor	2
Building Superintendent	1
Consultant	3
Custodian Supervisor	2
Electrical Supervisor	2
Fleet Maintenance Supervisor	2
Fleet Manager	1
Haz/Mat Inspector	2
Industrial Waste Inspector	2
Industrial Waste Supervisor	2
Laboratory Supervisor	2
Operations & Maintenance Director	1
Parks Maintenance Supervisor	2
Parks Operations Superintendent	1
Plant Mechanic Supervisor	2
Public Works Supervisor	2
Secondary Treatment Site Supervisor	1
Streets Maintenance Superintendent	1
Trees Maintenance Supervisor	1
Urban Forestry Superintendent	1
Wastewater Collection Superintendent	1
Water Quality Control Superintendent	1
Water Superintendent	1

OPERATIONS & MAINTENANCE DEPARTMENT
CONFLICT OF INTEREST CODE
EXHIBIT "B"

Disclosure Categories

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income, or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Group 1: Designated employees in this group shall report all business positions, all investments, interests in real property, income, loans or gifts from individuals or businesses - Schedules A, B, C, D, E, F, G and H - from all sources located in or doing business within the jurisdiction. (Real property shall be deemed to be "within the jurisdiction" if the property or any part of it is located within or not more than two miles outside the boundaries of the city or within two miles of any land owned or used by the City.)

Group 2: Designated employees in this group shall report all business positions, all investments, income, loans or gifts from individuals or businesses - Schedules A, C2, D, E, F, G and H - from business entities located in or doing business within the jurisdiction which manufacture, sell or supply equipment, including but not limited to horticulture, construction, craft, office and safety supplies and/or equipment.

Group 3: A consultant is any person who under contract provides information, advice, recommendation or counsel to any agency. The head of the department which hires a consultant shall determine on a case-by-case basis the appropriate disclosure of economic interest which the consultant is required to file with the City Clerk on beginning and ending the job.

Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-602

A RESOLUTION APPROVING THE FINAL MAP OF THE OPERA HOUSE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Ling Investments, a Limited Partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 19.66 acres, known as Opera House Subdivision ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 27th day of November, 1997, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Opera House Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved, that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use, and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after subdivider has taken all actions reasonably necessary to form or annex to a City of Modesto Mello-Roos Community Facilities District ("CFD") or has executed an irrevocable 18-month appointment of a representative to act for it in a CFD election, which is in a form acceptable to

the City Attorney, after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-603

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM L. LAMB, WILLIAM LEROY AND VERONA LAMB FOR THE ACQUISITION OF PROPERTIES LOCATED AT 1638, 1634, AND 1630 HILLSIDE DRIVE FOR THE FLOOD PROTECTION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and William L. Lamb, William Leroy and Verona Lamb for the acquisition of properties located at 1638, 1634 and 1610 Hillside Drive for the Flood Protection project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-604

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 11) AT 115 MAGNOLIA AVENUE, THE HAWKE CASTLE, LANDMARK SITE NO. 11, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNER: ARTIE FAUSS)

WHEREAS, Artie Fauss, owner of the property at 115 Magnolia Avenue applied for Landmark Site Designation for this site with Landmark Preservation Commission recommendation for designation on April 23, 1991, and

WHEREAS, Chapter 10 of Title 9 of the Modesto Municipal Code establishes the authority for the Landmark Preservation Commission to recommend and the City Council to approve landmark preservation contracts after benefit of a public hearing, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the City to enter into historical property contracts (Mills Act Contract) with owners of qualified historical property to provide for the use, maintenance and restoration of such historical property so as to retain its characteristics as property of historical significance, and

WHEREAS, a Mills Act Contract was submitted for 115 Magnolia Avenue, the Hawke Castle which met State law and garnered staff support, given a reasonable relationship of past and future estimates of improvement and maintenance to tax savings as a result of contract completion, and

WHEREAS, a public hearing was held by the Landmark Preservation Commission on October 19, 1998, at the McHenry Museum, 1402 I Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 11, by Resolution No. 98-12, the Landmark Preservation Commission recommended to the City Council approval of said contract for the property at 115 Magnolia Avenue, and

WHEREAS, after a public hearing held on November 10, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Historic Property Preservation Agreement for the property at 115 Magnolia Avenue, meets the requirements of Government Code Section 50280, et seq., and should be approved,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Historic Property Preservation Agreement (Mills Act Contract No. 11) for the property at 115 Magnolia Avenue, the Hawke Castle, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager of the City of Modesto is hereby authorized to execute said agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk shall cause the agreement to be recorded in the office of the County Recorder of the County of Stanislaus no later than twenty days after the execution of the agreement by the parties.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-605

A RESOLUTION DESIGNATING THE BUNYA BUNYA TREE IN GRACEADA PARK AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: CITY OF MODESTO)

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 19, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 98-11, that the Bunya Bunya Tree in Graceada Park is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, and the current adaptive uses are economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact.

4. The existing and proposed use are compatible with preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on November 10, 1998, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Bunya Bunya Tree in Graceada Park is eligible for designation as a

Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Bunya Bunya Tree in Graceada Park is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Bunya Bunya Tree in Graceada Park has cultural significance because it was donated by the "Native Sons of the Golden West" in 1916 and had originated in New Zealand and is one of the largest trees in our community.

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 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

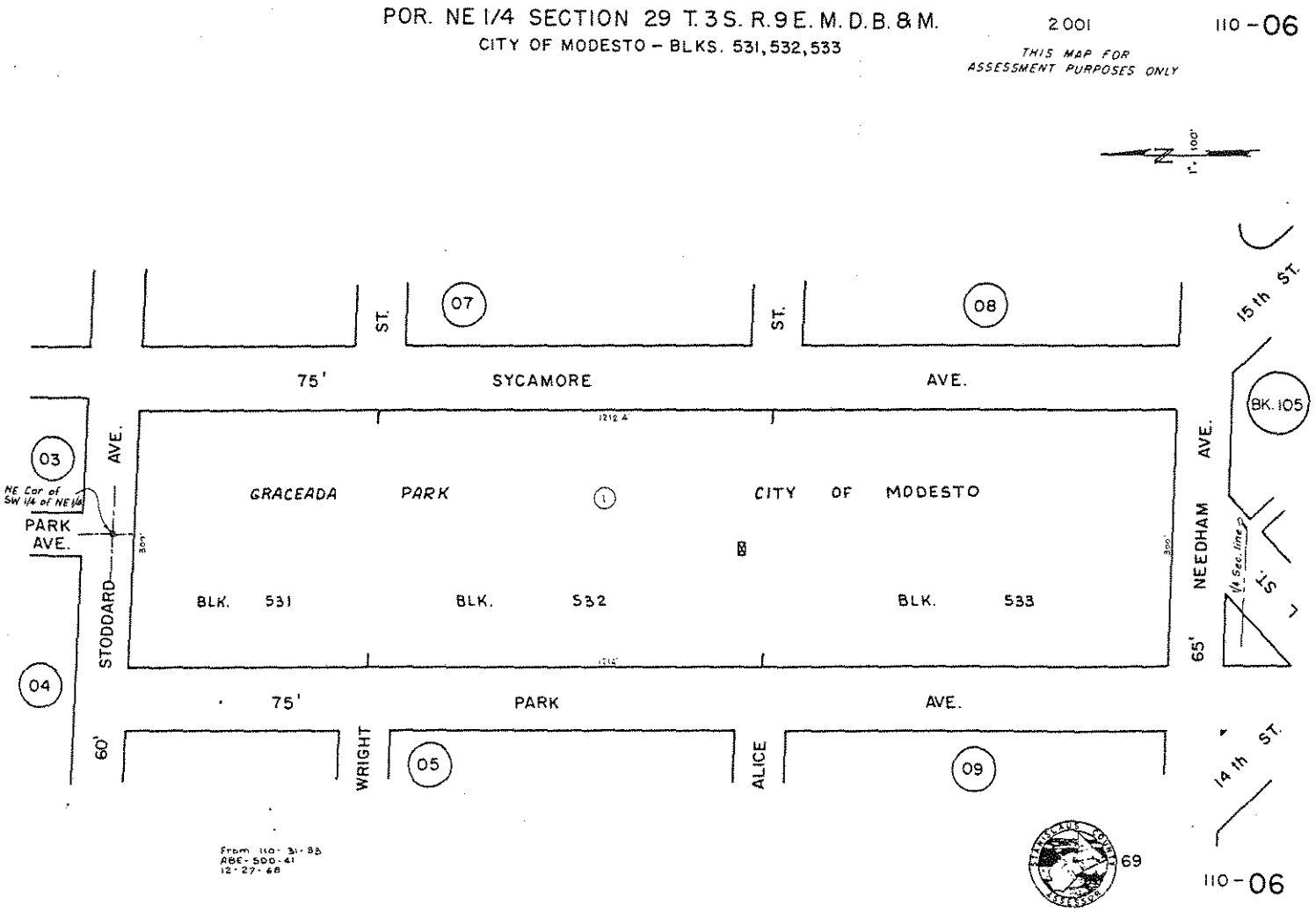
APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Property in the Graceada Park
Northwest corner of Sycamore and Needham

Exhibit "A" – Legal Description

Located in the south east corner of Block 531 of the City of Modesto, Stanislaus County Records



Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-606

A RESOLUTION VACATING AND ABANDONING THREE FEET OF "K" STREET LOCATED BETWEEN 9TH AND 10TH STREETS AND CONTIGUOUS TO BLOCK 57.

WHEREAS, the Council of the City of Modesto adopted Resolution No. 98-560 on October 20, 1998, declaring its intention to vacate and abandon three feet of "K" Street located between 9th and 10th Streets and contiguous to Block 57, and

WHEREAS, said three feet of "K" Street to be vacated and abandoned is more particularly described in Exhibit "A" and Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein, and

WHEREAS, said Resolution No. 98-560 set November 10, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the time and place for a public hearing for all persons interested in or objecting to the proposed vacation and abandonment, and

WHEREAS, said Resolution No. 98-560 was published in *The Modesto Bee*, the official newspaper of the City of Modesto, once each week for two (2) successive weeks prior to the hereinafter referred to hearing, and

WHEREAS, the Community Development Director of the City of Modesto has caused notices of said proposed vacation and abandonment to be posted conspicuously along the lines of the property proposed to be vacated and abandoned at least fourteen (14) days before the date of the hereinafter referred to hearing in the manner specified by law, and

WHEREAS, the Planning Commission recommended that the abandonment be made subject to the conditions contained in Planning Commission Resolution No. 98-53, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, November 10, 1998, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highway Code Sections 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law in order to vacate and abandon the three foot portion of "K" Street have been done and accomplished, and

WHEREAS, the Council finds and declares that the three feet of "K" Street located between 9th and 10th Streets and contiguous to Block 57, is unnecessary for present or future pedestrian or vehicular use, and that the area to be abandoned is not required to be retained as a public utility easement, and

WHEREAS, the City's Community Development Department, by Environmental Assessment Initial Study No. 98-33, judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities,

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

1. That the portion of "K" Street, consisting of a three-foot-wide strip along the southern side of the street between 9th and 10th Streets

contiguous to City of Modesto Block 57 is unnecessary for present or future pedestrian or vehicular use.

2. That the area to be abandoned is not required to be retained as a public utility easement.

3. That Environmental Assessment No. 98-33 judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing public or private facilities.

4. That the abandonment and vacation of a portion of "K" Street is in conformance with the City of Modesto General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of three feet of "K" Street located between 9th and 10th Streets and contiguous to Block 57. Said proposed vacation and abandonment is more particularly described in Exhibit "A" and Exhibit "B" attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under the seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

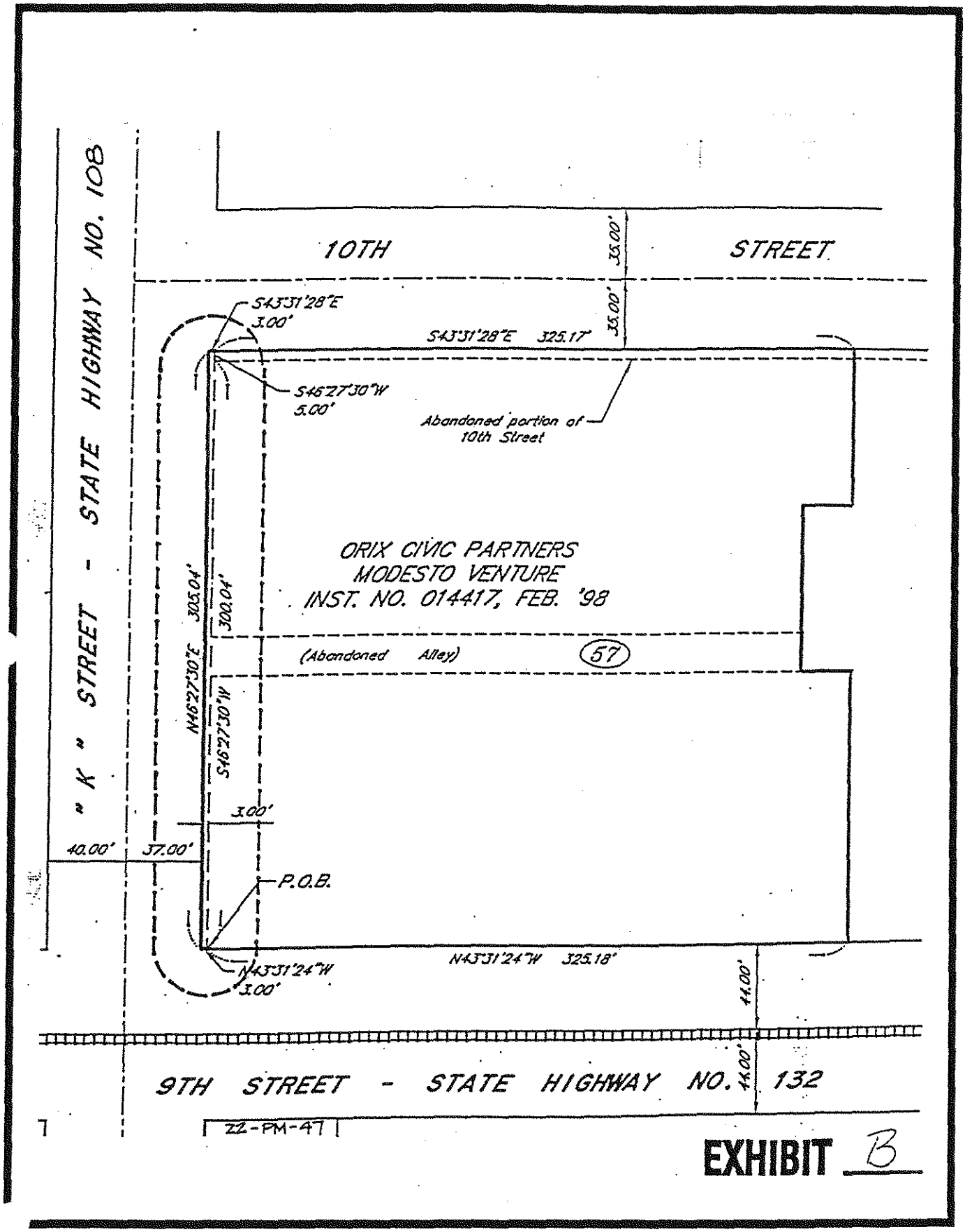
APPROVED AS TO DESCRIPTION:

By _____
Community Development Department
Development Services

EXHIBIT "ONE"

The Southeasterly 3 feet of "K" Street - State Highway No. 108 lying adjacent to the Northwesterly line of Block 57 of the City of Modesto, as per map filed December 21, 1942 in Book 15 of Maps, Stanislaus County Records.

EXHIBIT A



PROPOSED THREE FOOT ABANDONMENT ON "K" STREET BETWEEN 9TH AND 10TH STS.

NORTH

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-607

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FIRST QUARTER OF FISCAL YEAR 1998-99

WHEREAS, the first quarter financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 1998-99; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated on Attachment "A".

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine Brown Jr
STAN FEATHERS, Budget Officer

ATTACHMENT A

FY98-99 First Quarter Adjustments

	Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget ($)	*Adjustment Amount ($)*	Revised Budget ($)
1	Revenue	Technology & Info Services	713	120	1244	4935	-	0	*169,819*	169,819
	Appropriation	Non-CIP Mainframe	713	120	1244	5034	77B	169,819	*(169,819)*	0
	Appropriation	Contingency Reserve *	010	800	8000	8003	01H		*(49,002)*	(49,002)
	Appropriation	Infrastructure Tech & Info	010	010	0101	0252	01B	0	*958*	958
	Appropriation	Infrastructure Tech & Info	010	020	0202	0252	02B	680	*160*	840
	Appropriation	Infrastructure Tech & Info	010	030	0301	0252	03B	6,797	*1,601*	8,398
	Appropriation	Infrastructure Tech & Info	010	030	0303	0252	03B	680	*160*	840
	Appropriation	Infrastructure Tech & Info	010	040	0401	0252	04B	8,836	*2,082*	10,918
	Appropriation	Infrastructure Tech & Info	010	050	0501	0252	05B	2,719	*641*	3,360
	Appropriation	Infrastructure Tech & Info	010	120	1201	0252	12B	2,039	*480*	2,519
	Appropriation	Infrastructure Tech & Info	010	120	1205	0252	12B	2,719	*641*	3,360
	Appropriation	Infrastructure Tech & Info	010	120	1221	0252	12B	4,078	*961*	5,039
	Appropriation	Infrastructure Tech & Info	010	120	1222	0252	12B	9,516	*2,242*	11,758
	Appropriation	Infrastructure Tech & Info	010	120	1223	0252	25B	8,156	*1,922*	10,078
	Appropriation	Infrastructure Tech & Info	010	120	1224	0252	12B	2,719	*641*	3,360
	Appropriation	Infrastructure Tech & Info	010	120	1232	0252	12B	3,399	*801*	4,200
	Appropriation	Infrastructure Tech & Info	010	120	1234	0252	12B	680	*160*	840
	Appropriation	Infrastructure Tech & Info	010	140	1400	0252	06B	680	*160*	840
	Appropriation	Infrastructure Tech & Info	010	140	1401	0252	21B	10,875	*2,562*	13,437
	Appropriation	Infrastructure Tech & Info	010	140	1404	0252	14B	1,359	*320*	1,679
	Appropriation	Infrastructure Tech & Info	010	140	1405	0252	15B	6,117	*1,441*	7,558
	Appropriation	Infrastructure Tech & Info	010	140	1421	0252	24B	4,078	*961*	5,039
	Appropriation	Infrastructure Tech & Info	010	140	1430	0252	14B	4,078	*961*	5,039
	Appropriation	Infrastructure Tech & Info	010	160	1601	0252	16B	2,719	*641*	3,360
	Appropriation	Infrastructure Tech & Info	010	160	1612	0252	08B	2,039	*480*	2,519
	Appropriation	Infrastructure Tech & Info	010	180	1802	0252	18B	13,594	*3,203*	16,797
	Appropriation	Infrastructure Tech & Info	010	190	1901	0252	19B	40,782	*9,609*	50,391
	Appropriation	Infrastructure Tech & Info	010	300	3001	0252	30B	4,196	*4,484*	8,680
	Appropriation	Infrastructure Tech & Info	010	410	4112	0252	41B	11,555	*2,722*	14,277
	Appropriation	Infrastructure Tech & Info	010	420	4212	0252	42B	8,836	*2,082*	10,918
	Appropriation	Infrastructure Tech & Info	010	420	4213	0252	42B	2,719	*641*	3,360
	Appropriation	Infrastructure Tech & Info	010	430	4301	0252	42B	1,359	*320*	1,679
	Appropriation	Infrastructure Tech & Info	010	430	4302	0252	42B	2,039	*480*	2,519
	Appropriation	Infrastructure Tech & Info	010	440	4402	0252	44B	2,719	*641*	3,360
	Appropriation	Infrastructure Tech & Info	010	480	4522	0252	48B	4,078	*961*	5,039
	Appropriation	Infrastructure Tech & Info	010	480	4612	0252	48B	4,758	*1,121*	5,879
	Appropriation	Infrastructure Tech & Info	010	480	4622	0252	48B	680	*160*	840
	Appropriation	Infrastructure Tech & Info	010	480	4712	0252	48B	4,078	*961*	5,039
	Appropriation	Infrastructure Tech & Info	010	480	4801	0252	48B	2,719	*641*	3,360
	Appropriation	Contingency Reserve *	113	800	8000	8003	22H		*(10,356)*	
	Appropriation	Infrastructure Tech & Info	113	140	1452	0252	22B	2,039	*3,452*	5,491
	Appropriation	Infrastructure Tech & Info	113	140	1456	0252	26B	4,078	*6,904*	10,982
	Appropriation	Contingency Reserve *	117	800	8000	8003	26H		*(4,602)*	
	Appropriation	Infrastructure Tech & Info	117	140	1458	0252	26B	2,719	*4,602*	7,321
	Appropriation	Contingency Reserve *	610	800	8000	8003	61H		*(24,162)*	
	Appropriation	Infrastructure Tech & Info	610	440	5015	0252	64B	6,117	*10,355*	16,472
	Appropriation	Infrastructure Tech & Info	610	480	5012	0252	61B	8,156	*13,807*	21,963
	Appropriation	Contingency Reserve *	621	800	8000	8003	62H		*(31,067)*	
	Appropriation	Infrastructure Tech & Info	621	440	5201	0252	94B	1,359	*2,301*	3,660
	Appropriation	Infrastructure Tech & Info	621	480	5212	0252	62B	1,359	*2,301*	3,660
	Appropriation	Infrastructure Tech & Info	621	480	5213	0252	62B	5,438	*9,205*	14,643
	Appropriation	Infrastructure Tech & Info	621	480	5214	0252	62B	2,039	*3,452*	5,491
	Appropriation	Infrastructure Tech & Info	621	480	5215	0252	62B	2,719	*4,602*	7,321
	Appropriation	Infrastructure Tech & Info	621	480	5217	0252	62B	4,078	*6,904*	10,982
	Appropriation	Infrastructure Tech & Info	621	480	5220	0252	62B	680	*1,151*	1,831
	Appropriation	Infrastructure Tech & Info	621	480	5222	0252	62B	680	*1,151*	1,831
	Appropriation	Contingency Reserve *	628	800	8000	8003	68H		*(11,506)*	
	Appropriation	Infrastructure Tech & Info	628	480	5312	0252	68B	6,117	*10,355*	16,472
	Appropriation	Infrastructure Tech & Info	628	480	5314	0252	68B	680	*1,151*	1,831

FY98-99 First Quarter Adjustments

	Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget ($)	*Adjustment Amount ($)*	Revised Budget ($)
	Appropriation	Contingency Reserve *	631	800	8000	8003	63H		*(2,303)*	
	Appropriation	Infrastructure Tech & Info	631	440	5412	0252	63B	1,359	*2,303*	3,662
	Appropriation	Contingency Reserve *	660	800	8000	8003	33H		*(3,452)*	
	Appropriation	Infrastructure Tech & Info	660	330	3316	0252	33B	0	*3,452*	3,452
	Appropriation	Contingency Reserve *	670	800	8000	8003	34H		*(8,054)*	
	Appropriation	Infrastructure Tech & Info	670	340	3412	0252	34B	4,758	*8,054*	12,812
	Appropriation	Contingency Reserve *	710	800	8000	8003	70H		*(1,151)*	
	Appropriation	Infrastructure Tech & Info	710	120	1253	0252	70B	680	*1,151*	1,831
	Appropriation	Contingency Reserve *	711	800	8000	8003	71H		*(3,452)*	
	Appropriation	Infrastructure Tech & Info	711	120	1272	0252	71B	2,039	*3,452*	5,491
	Appropriation	Contingency Reserve *	720	800	8000	8003	72H		*(6,904)*	
	Appropriation	Infrastructure Tech & Info	720	480	5812	0252	72B	4,078	*6,904*	10,982
	Appropriation	Contingency Reserve *	731	800	8000	8003	73H		*(9,205)*	
	Appropriation	Infrastructure Tech & Info	731	030	0372	0252	73B	5,438	*9,205*	14,643
	Appropriation	Contingency Reserve *	751	800	8000	8003	75H		*(1,151)*	
	Appropriation	Infrastructure Tech & Info	751	030	0351	0252	75B	680	*1,151*	1,831
	Appropriation	Contingency Reserve *	780	800	8000	8003	78H		*(3,452)*	
	Appropriation	Infrastructure Tech & Info	780	490	4912	0252	78B	2,039	*3,452*	5,491

Adjustments required to correct $169,819 of revenue for Information & Technology Services and charges to various funds as stated. (Contingency Reserve * as submitted in First Quarter Report.)

2	Appropriation	Salaries & Wages, Reg	010	120	1234	0110	12A	57,994	*(12,000)*	45,994
	Appropriation	Employee Benefits Summary	010	120	1234	0188	12A	15,825	*(3,000)*	12,825
	Appropriation	Services, Prof, & Others	010	120	1234	0235	12C	3,550	*35,000*	38,550
	Appropriation	Ticket Track HW, SW, & Training	010	120	1234	5001	12C	14,000	*21,000*	35,000
	Appropriation	Salaries & Wages, Reg	010	190	1961	0110	19A	7,039,876	*112,500*	7,152,376
	Appropriation	Contingency Reserve *	010	800	8000	8003	01H		*(153,500)*	
	Revenue	Parking Fines	010	120	1234	7113	-	170,082	*237,418*	407,500
	Revenue	Parking Fines	010	190	1961	7113	-	0	*112,500*	112,500
	Revenue	Parking Fines	010	510	9510	7113	-	349,918	*(349,918)*	0

Adjustments required to bring citation processing in-house beginning January 1999.
Org 1234 budget net increase of $41,000 for computer hardware and additional administrative fees collected by Stanislaus State Parking Management Bureau (P.M.S.) due to 6-month delay in bringing this process in-house.
Revenue will be split between Police and Finance Department.

3	Appropriation	Contingency Reserve *	130	800	8000	8003	30H		(11,219)	
	Appropriation	Transfer out to 010	130	700	7000	7010	30G	0	*11,219*	11,219
	Revenue	Transfer in from 130	010	700	7000	9130	-	0	*11,219*	11,219
	Appropriation	Contingency Reserve *	010	800	8000	8003	01H		*11,219*	

Adjustments required to reconcile the Police Department carryover for the City portion of the match for the Local Law Enforcement Block Grant not spent last year.

4	Appropriation	Transfer out to 733	885	700	7000	7733		3,017	*(3,017)*	0
	Appropriation	Other Liability	885	190	1970	0412		0	*3,017*	3,017
	Revenue	Transfer in from 885	733	700	7000	9885	-	800,000	*(3,017)*	796,983
	Revenue	Premium Assessment	733	030	6611	4971	-	1,615,164	*3,017*	1,618,181
	Appropriation	Transfer out to 733	890	700	7000	7733		409	*(409)*	0
	Appropriation	Other Liability	890	390	3912	0412		2,174	*409*	2,583
	Revenue	Transfer in from 885	733	700	7000	9885	-	796,983	*(409)*	796,574
	Revenue	Premium Assessment	733	030	6611	4971	-	1,618,181	*409*	1,618,590

Adjustments required to reclassify amounts originally budgeted as transfers to revenue and expenses, because SDEA and TRRP are separate legal entities from the City. The net effect is zero.

FY98-99 First Quarter Adjustments

	Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget ($)	*Adjustment Amount ($)*	Revised Budget ($)
5	Revenue	Fed Sup Law Enforcement Grant	040	510	9510	3502	-	450,000	*271,977*	721,977
	Appropriation	Transfer out to 010	040	700	7000	7010	-	518,000	*271,977*	789,977
	Revenue	Transfer in from 040	010	700	7000	9040	-	518,000	*271,977*	789,977
	Appropriation	Contingency Reserve *	010	800	8000	8003	01H		*271,977*	
	Appropriation	Contingency Reserve *	040	800	8000	8003	-		*30,000*	
	Appropriation	Transfer out to 010	040	700	7000	7010	-	789,977	*(30,000)*	759,977
	Revenue	Transfer in from 040	010	700	7000	9040	-	789,977	*(30,000)*	759,977
	Appropriation	Contingency Reserve *	010	800	8000	8003	01H		*(30,000)*	
	Appropriation	Salaries & Wages, Reg	010	190	1961	0110	19A	7,152,376	*320,395*	7,472,771
	Appropriation	Contingency Reserve *	010	800	8000	8003	01H		*(320,395)*	

Adjustments required to increase $271,977 from Fund 040 deferred revenue to revenue, transfer the same amount to General Fund, and to decrease $30,000 of transfer that was over-estimated.
The Police Department FY98-99 target increased by $320,395 as a result of changes in calculation of several revenue sources.

6	Appropriation	King-Kennedy Svc. Youth Scholar.	010	370	3715	1060	37E	50,000	*34,000*	**84,000**
	Appropriation	Contingency Reserve *	010	800	8000	8003	01H		*34,000*	

On March 17, 1998 CCNC requested an additional $34,000 for the Youth/Senior Financial Assistance Program.
The program was well received. Council approved the request and extended the new budget to FY 98/99.

7	Revenue	O&M	010	480	4801	6225	-	37,000	*21,114*	**58,114**
	Appropriation	O&M	010	480	4801	0451	48B	4,983	*21,114*	**26,097**
	Appropriation	Water Oper. - Prin.	610	480	5012	0451	61B	7,038	*(7,038)*	**0**
	Appropriation	Water Oper RE prop rent	610	480	5012	0215	61B	*0*	*7,038*	**7,038**
	Appropriation	Wastewater Oper. - Prin.	621	480	5213	0451	62B	7,038	*(7,038)*	**0**
	Appropriation	Wastewater Oper RE prop rent	621	480	5213	0215	62B	*0*	*7,038*	**7,038**
	Appropriation	Storm Water Collect. - Prin.	628	480	5312	0451	68B	3,500	*(3,500)*	**0**
	Appropriation	StormWater Collect RE prop rent	628	480	5312	0215	68B	*0*	*3,500*	**3,500**
	Appropriation	Storm Drainage - Prin.	628	480	5314	0451	68B	3,538	*(3,538)*	**0**
	Appropriation	Storm Drainage RE prop rent	628	480	5314	0215	68B	*0*	*3,538*	**3,538**

To adjust Rental Income/Expense for O&M.

8	Appropriation	CVB-TOT Toursim	010	140	1421	1006	21E	236,875	*(17,164)*	**219,711**
	Appropriation	Contingency Reserve *	010	800	8000	8003	01H		*17,164*	

Re-estimate of Transient Occupancy Tax Revenue and CVB Allocation. The 1st Qtr. TOT estimate has been reduced from $1,777,008 to $1,648,247 affecting the CBV allocation (13.33%) to be reduced $17,164 from the adopted amount of $236,875 to $219,711.

9	Revenue	Transfer In from Fund 010	260	700	7000	9010	-	0	*10,000*	10,000
	Appropriation	Services-Professional & Other	260	040	0406	0235	260	20,000	*10,000*	30,000
	Appropriation	Contingency Reserve *	010	800	8000	8003	01H		*(10,000)*	
	Appropriation	Transfer Out to Fund 261	010	700	7000	7003	01G	0	*10,000*	10,000

Last year a $10,000 developer contribution for a Village One annexation project (Martelli/Brenda) was recognized as revenue in the General Fund. This revenue now needs to be transferred and accounted for in the Village One Fund.

FY98-99 First Quarter Adjustments

	Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget ($)	*Adjustment Amount ($)*	Revised Budget ($)
10	Revenue	Storm Drain Fees & Charges	628	510	9510	4370	-	4,803,000	*(290,000)*	4,513,000
	Revenue	State Highway Mtc Fees	628	510	9510	4051	-	0	*18,000*	18,000
	Appropriation	Cavil Drain Study	628	480	K___	6010		0	*100,000*	100,000
	Appropriation	College/Coldwell Storm Lift Station	628	480	K___	6010		0	*10,000*	10,000
	Appropriation	College/Coldwell Storm Lift Station	628	480	K___	6040		0	*208,000*	208,000
	Appropriation	College/Coldwell Storm Lift Station	628	480	K___	6050		0	*10,000*	10,000
	Appropriation	College/Coldwell Storm Lift Station	628	480	K___	6060		0	*17,000*	17,000
	Appropriation	Street sweeping -Salaries	628	480	5313	0110	68A	330,961	*(38,000)*	292,961
	Appropriation	Storm Water Quality-Svc City Forces	628	480	5314	0255	68C	183,188	*(89,362)*	93,826
	Appropriation	Transfer out to Fund 621	628	700	7000	7621	68G	0	*17,000*	17,000
	Appropriation	Annual Catch Basin & Valley Gutter Re	628	440	K754	6010	754	10,000	*(10,000)*	0
	Appropriation	Annual Catch Basin & Valley Gutter Re	628	440	K754	6040	754	167,000	*(167,000)*	0
	Appropriation	Annual Catch Basin & Valley Gutter Re	628	440	K754	6050	754	10,000	*(10,000)*	0
	Appropriation	Annual Catch Basin & Valley Gutter Re	628	440	K754	6060	754	7,000	*(7,000)*	0
	Appropriation	Briggsmore/Oakdale Storm Lift Station	628	440	K762	6010	762	30,000	*(30,000)*	0
	Appropriation	Briggsmore/Oakdale Storm Lift Station	628	440	K762	6040	762	200,000	*(200,000)*	0
	Appropriation	Briggsmore/Oakdale Storm Lift Station	628	440	K762	6050	762	20,000	*(20,000)*	0
	Appropriation	Briggsmore/Oakdale Storm Lift Station	628	440	K762	6060	762	20,000	*(20,000)*	0
	Appropriation	Algen Storm Basin Rockwells	628	440	K796	6010	796	2,000	*(2,000)*	0
	Appropriation	Algen Storm Basin Rockwells	628	440	K796	6040	796	27,000	*(27,000)*	0
	Appropriation	Algen Storm Basin Rockwells	628	440	K796	6060	796	2,000	*(2,000)*	0
	Appropriation	Misc Storm Drains (Eng)	628	440	K801	6010	801	11,000	*(11,000)*	0
	Appropriation	Misc Storm Drains (Eng)	628	440	K801	6040	801	80,000	*(80,000)*	0
	Appropriation	Misc Storm Drains (Eng)	628	440	K801	6050	801	5,000	*(5,000)*	0
	Appropriation	Misc Storm Drains (Eng)	628	440	K801	6060	801	8,000	*(8,000)*	0
	Appropriation	Cassidy Court Drainage Basin Gradng	628	440	K802	6010	802	7,000	*(7,000)*	0
	Appropriation	Cassidy Court Drainage Basin Gradng	628	440	K802	6040	802	46,000	*(46,000)*	0
	Appropriation	Cassidy Court Drainage Basin Gradng	628	440	K802	6050	802	5,000	*(5,000)*	0
	Appropriation	Cassidy Court Drainage Basin Gradng	628	440	K802	6060	802	7,000	*(7,000)*	0

Revenue budget decreased by $ 290,000 to reflect no rate increase, previously proposed rate increase was 10%.
Establish a new $100,000 Cavil Drain CIP project.
Move up in priority the rehabilitation of the College/Coldwell Storm Lift Station, due to deterioration of the lift station, this $245,000 project needs to be funded this year. Defer five CIP projects totalling $664,000, as indicated on proforma.
Defer five CIP projects totalling $664,000, as indicated on proforma.
Street sweeping operations reduced by $38,000 in FY98-99, and increased by $20,000 over inflationary increases for the next two years.
Reduce Storm Water Quality by 89,362 to match 1997-98 budget levels.
Estimate State Highway Maintenance Revenue $18,000 in 1998-99 (previously unbudgeted).
Approriate a transfer out to fund 621 for a CIP project in the amount of $17,000 (was previously budgeted in FY99-00).

11	Appropriation	Contingency Reserve *	010	800	8000	8003	01H		*(868,481)*	
	Appropriation	Carryover Reserve	010	010	0101	8099	01C	0	*307*	307
	Appropriation	Carryover Reserve	010	020	0201	8099	02C	0	*75,262*	75,262
	Appropriation	Carryover Reserve	010	030	0301	8099	03C	0	*1,748*	1,748
	Appropriation	Carryover Reserve	010	040	0401	8099	04C	0	*19,677*	19,677
	Appropriation	Carryover Reserve	010	050	0501	8099	05C	0	*447*	447
	Appropriation	Carryover Reserve	010	120	1201	8099	12C	0	*51,228*	51,228
	Appropriation	Carryover Reserve	010	140	1400	8099	06C	0	*277,164*	277,164
	Appropriation	Carryover Reserve	010	180	1802	8099	18C	0	*224,929*	224,929
	Appropriation	Carryover Reserve	010	190	1901	8099	19C	0	*0*	0
	Appropriation	Salaries & Wages, Reg	010	190	1961	0110	19A	7,472,771	*(137,420)*	7,335,351
	Appropriation	Carryover Reserve	010	300	3001	8099	30C	0	*99,188*	99,188
	Appropriation	Carryover Reserve	010	430	4302	8099	43C	0	*136,009*	136,009
	Appropriation	Carryover Reserve	010	480	4801	8099	48C	0	*119,942*	119,942

Adjustments required to reflect departmental carryover amounts from savings.

FY98-99 First Quarter Adjustments

	Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget ($)	*Adjustment Amount ($)*	Revised Budget ($)
12	Appropriation	Salaries & Wages - Regular	621	480	5201	0110	94A	217,532	*(50,000)*	167,532
	Appropriation	Service - City Forces	621	480	5201	0255	94C	100,250	*(30,000)*	70,250
	Appropriation	Salaries & Wages - Regular	621	480	5212	0110	62A	1,013,176	*(20,000)*	993,176
	Appropriation	Services-Professional & Other	621	480	5212	0235	62C	84,047	*(20,000)*	64,047
	Appropriation	Salaries & Wages - Regular	621	480	5213	0110	62A	1,068,375	*(20,000)*	1,048,375
	Appropriation	Services-Professional & Other	621	480	5213	0235	62C	326,492	*(20,000)*	306,492
	Appropriation	Chemical & Lab Supplies	621	480	5213	0312	62C	361,796	*(100,000)*	261,796
	Appropriation	Salaries & Wages - Regular	621	480	5214	0110	62A	447,428	*(20,000)*	427,428
	Appropriation	Services-Professional & Other	621	480	5214	0235	62C	26,553	*(20,000)*	6,553
	Appropriation	Service - City Forces	621	480	5220	0255	62C	408,622	*(30,000)*	378,622
	Appropriation	R & M Outside	621	480	5222	0223	62C	179,185	*(30,000)*	149,185
	Appropriation	Advertising	621	480	5222	0230	62C	10,000	*(8,000)*	2,000
	Appropriation	Services-Professional & Other	621	480	5222	0235	62C	89,625	*(60,000)*	29,625
	Appropriation	Service - City Forces	621	480	5222	0255	62C	75,267	*(30,000)*	45,267
	Appropriation	Fuel, Oil & Lubricants	621	480	5222	0330	62C	124,200	*(79,000)*	45,200
	Appropriation	Utilities	621	480	5820	0210	62C	15,600	*(15,537)*	63
	Appropriation	R & M Outside	621	480	5820	0223	62C	17,838	*(17,838)*	0
	Appropriation	Tools & Shop Supplies	621	480	5820	0308	62C	398	*(398)*	0
	Appropriation	Chemical & Lab Supplies	621	480	5820	0312	62C	1,235	*(1,235)*	0
	Appropriation	Fuel, Oil & Lubricants	621	480	5820	0330	62C	4,511	*(4,511)*	0
	Appropriation	Contingency Reserve	621	800	8000	8003	62G	1,805,745	*576,519*	2,382,264

These adjustments are revised budgets based on actual prior year expenditures. The salary adjustments are due to vacant positions, to ensure we don't transfer savings, we are reducing the budget at this time.
The Methane Gas organization (5820) is no longer functing, and the budget has been reduced to zero.

Appropriation	N. Trunk to Kiernan Bus Pk	621	480	H386		386	3,190,000	*(350,000)*	2,840,000
Appropriation	Shackleford Area Crossing	621	480	E563		563	515,000	*(454,736)*	60,264
Appropriation	Repair & Coat 60" Outfall	623	480	J647		647	1,000,000	*(150,000)*	850,000
Appropriation	Kiernan Business Pk Subtrunks	621	480	K___			0	*350,000*	350,000
Appropriation	Subtrunk Extensions	621	480	K___			0	*750,000*	750,000
Appropriation	Wastewater Contingency Reserve	621	800	8000			2,382,264	*(145,264)*	2,237,000

This adjustment anticipates savings from two projects, and postpones the construction of the Shackleford Area Crossing, in order to fund two new subtrunk extension projects.

Appropriation	Ranch Improvements	621	440	K731		731	4,900,000	*(1,154,000)*	3,746,000
Appropriation	Ranch Improvements	623	480	H869		869	591,078	*1,154,000*	1,745,078

This adjustment decrease the Ranch Improvements in one fund and increases it in the Bond Fund in order to expend the estimated available construction funds.

13	Appropriation	Services, Prof, & Others	010	040	0401	0235	04C	45,785	*17,154*	62,939
	Appropriation	Contingency Reserve *	010	800	8000	8003	01H		*(17,154)*	

Adjustment required to offset costs related to obtaining an opinion from outside counsel related to antitrust liability issues.

14	Revenue	Federal Share of Project	070	510	9510	3504	-	305,130	*130,507*	435,637
	Appropriation	ATMS Operating Grant	070	160	H919	6010	0919	125,000	*130,507*	255,507

This adjustment appropriates the remaining federal grant available for this project. The grant was awarded for a two year program, this appropriates the second year of funding.

FY98-99 First Quarter Adjustments

	Type of Account	Description	Fund	Agency	Orgn	Object/ Revenue	App Unit	Current Budget ($)	*Adjustment Amount ($)*	Revised Budget ($)
15	Appropriation	Transfer Out to fund 612	610	700	7000	7612	-	718,543	*410,060*	1,128,603
	Appropriation	Contingency Reserve	610	800	8000	8003	-	5,010,452	*(410,060)*	4,600,392
	Revenue	Transfer In from fund 610	612	700	7000	9610	-	718,543	*410,060*	1,128,603
	Appropriation	Transfer Out to fund 612	615	700	7000	7612	-	510,311	*296,940*	807,251
	Appropriation	Contingency Reserve	615	800	8000	8003	-	6,542,003	*(296,940)*	6,245,063
	Revenue	Transfer In from fund 610	612	700	7000	9615	-	510,311	*296,940*	807,251

The budgeted transfers from fund 610 and 615 into fund 612, assumed a $667K available working capital in fund 612 would be used to decrease the required transfer in for debt service. The actual available working capital in fund 612, Water CIP-COP fund, was zero. These adjustments increase the transfers to the annual required debt service amount.

	Appropriation	Strengthen Water System-zone 2	615	440	K568	various	0568	100,000	*400,000*	500,000
	Appropriation	Contingency Reserve	615	800	8000	8003	-	6,245,000	*(400,000)*	5,845,000

The increase to this CIP project provides the funding required to work on strenthening the water system in zone 2. During the last year we experienced a 75% increase in water leaks in this zone.

16	Revenue	LTF Transit Operating Grant	651	510	9510	3158	-	1,704,000	*78,000*	1,782,000
	Revenue	LTF Transit Operating Grant	651	510	9510	3606	-	30,000	*139,000*	169,000
	Appropriation	T/O to fund 051	651	700	7000	7651	65G	0	*759,000*	759,000
	Appropriation	Contingency Reserve	651	800	8000	8003	65H	1,952,000	*217,000*	2,169,000

Reappropriate CIP, CIP revenue, and CIP related transfers.
Increase estimated LTF operating allocation by $78,000 to reflect actual Transit-SAAG claim amount.
Increase estimated Special Funding for operations by $139,000 to reflect anticipated funding for Sunday Service.
Add a transfer out to fund 051 to account for deferred revenue applied to street projects. Originally this was taken out of beginning working capital. In order to start from the actual working capital number, it is necessary to budget a transfer out. In the adopted budget, the offset to this was budgeted as "LTF Allocation-Carryover" revenue in fund 051, this will be reclassified as a transfer in from fund 651.

17	Revenue	LTF Allocation-motorized	051	510	9510	1213	-	1,200,000	*114,000*	1,314,000
	Revenue	LTF Allocation-carryover	051	510	9510	1213	-	759,000	*(759,000)*	0
	Revenue	Transfer in from fund 651	051	700	7000	9651	-	0	*759,000*	759,000
	Appropriation	Contingency Reserve	051	800	8000	8003		5,000	*114,000*	119,000

Reappropriate CIP projects, revenue, and transfers.
Estimate an additional $114,000 in LTF Revenue, to reflect updated estimates from SAAG.
Reclassify the carryover revenue, budgeted at $759,000, as a transfer in from fund 651.

18	Revenue	Business License Mill Tax	090	510	9510	1410		132,000	*32,000*	164,000
	Appropriation	Contingency Reserve	090	800	8000	8003		199,000	*(32,000)*	167,000

This adjusment increases revenue to reflect revised estimates based on the actual Business License Mill Tax received in FY96-97, and the effect of the delayed 97-98 billing, which now the revenue for that year will be received in FY98-99. This is why Mill Tax goes up in FY98-99, and is projected to slightly decrease in FY99-00.

19	Revenue	Current Year Secured Tax	010	510	9510	1101		6,434,670	*(203,780)*	6,230,890
	Revenue	Sales & Use Tax	010	510	9510	1201		18,859,770	*270,197*	19,129,967
	Revenue	Utility Users Tax	010	510	9510	1204		11,130,963	*(37,035)*	11,093,928
	Revenue	Transient Occupancy Tax	010	510	9510	1210		1,777,008	*(128,758)*	1,648,250
	Revenue	Business Licence & Mill Tax	010	510	9510	1404		5,275,913	*400,000*	5,675,913
	Revenue	Motor Vehicle License Fees	010	510	9510	3119		7,618,000	*211,020*	7,829,020
	Revenue	Interest	010	510	9510	6101		793,027	*(46,219)*	746,808

Adjustments to major revenue sources.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-609

A RESOLUTION REJECTING BIDS FOR FURNISHING VIDEO VEHICLE DETECTION SYSTEM, OPENED IN THE OFFICE OF THE CITY CLERK ON SEPTEMBER 29, 1998, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, the bids received for Video Vehicle Detection System were opened at 11:00 a.m. on September 29, 1998, and;

WHEREAS, during the bid evaluation process, staff saw that the bid submitted was technically noncompliant to the specifications so staff recommends bids be rejected and re-evaluation of the specifications and re-solicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Video Vehicle Detection System, opened in the office of the City Clerk on September 29, 1998, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Video Vehicle Detection System will be held November 30, 1998, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-610

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TRAFFIC SIGNAL EQUIPMENT FROM MCCAIN TRAFFIC SUPPLY

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Traffic Signal Equipment from McCain Traffic Supply

BE IT FURTHER RESOLVED that purchase of traffic signal equipment for a not to exceed price of $83,870.61.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-611

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE ADRIANNA TWO SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Max Norton Enterprises, Inc., a California corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 6.42 acres, known as ADRIANNA TWO SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 7th day of April, 1997, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said ADRIANNA TWO SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure

the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-612

A RESOLUTION DESIGNATING COUNCILMEMBER ARMOUR SMITH 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 Armour Smith 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 17th day of November, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-613

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SETTLEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE PLAINTIFFS IN THE HOWARD JARVIS TAXPAYERS ASSOCIATION, ET AL. V. CITY OF MODESTO LITIGATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the settlement agreement between the City of Modesto and the plaintiffs in the Howard Jarvis Taxpayers Association et al. v. City of Modesto litigation be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said settlement agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-614

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE PROJECT TITLED "MITCHELL ROAD WATERLINE – LAPHAM DRIVE TO TENAYA DRIVE"

WHEREAS, the bids received for Mitchell Road Waterline – Lapham Drive to Tenaya Drive were opened at 11:00 a.m. on October 27, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $176,237.00 from Rolfe Construction be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-615

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE AND INSTALLATION OF AN UPGRADE TO THE CITY'S CURRENT NETWORK INFRASTRUCTURE HARDWARE

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase and installation of an upgrade of the City's current network infrastructure hardware is hereby waived.

BE IT FURTHER RESOLVED that purchase and installation of an upgrade of the City's current network infrastructure hardware for a not to exceed price of $84,665.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-616

Print

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF FOUR GENERATORS FROM HOLT BROTHERS AND MAKELIM POWER SYSTEMS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of four generators from Holt Brothers and Makelim Power Systems is hereby waived.

BE IT FURTHER RESOLVED that purchase of four generators from Holt Brothers and Makelim Power Systems for a not to exceed price of $101,097.85.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-617

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND LEONARD J., DIANA L., AND KIMBERLY A. SORANNO AND THE CARDOZA FAMILY PARTNERSHIP L.P., A CALIFORNIA LIMITED PARTNERSHIP FOR THE SOUTHWEST AREA POLICE SUBSTATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Leonard J., Daina L., and Kimberly A. Soranno and the Cardoza Family Partnership L.P., a California Limited Partnership, for for the Southwest Area Police Substation be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-618

Print

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO EXECUTIVE AIR CHARTER INC., dba SKYTREK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Modesto Executive Air Charter Inc., dba Skytrek be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-619

A RESOLUTION APPROVING A RELEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND CAROLYN V. WHISLER FOR ISSUES RELATED TO THE PARALLEL OUTFALL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the release agreement between the City of Modesto and Carolyn V. Whisler for issues related to the Parallel Outfall project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said release agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-620

A RESOLUTION AWARDING THE FIVE-YEAR STREET SWEEPING CONTRACT TO THE CITY OF MODESTO'S STREET SWEEPING DIVISION

WHEREAS, the proposals received for Five-Year Street Sweeping were opened on August 4, 1998, and later tabulated by the Managed Competition Review Panel for the consideration of the Council; and

WHEREAS, the Managed Competition Review Panel and the Financial Policy Committee has recommended that the bid of the City of Modesto's Street Sweeping Division be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-621

Print

A RESOLUTION ACCEPTING THE BID OF CONCO WEST INC. FOR THE PROJECT TITLED "SECONDARY WASTEWATER TREATMENT PLANT EFFLUENT PUMP STATION FOUNDATION STABILIZATION"

WHEREAS, the bids received for Secondary Wastewater Treatment Plant Effluent Pump Station Foundation Stabilization were opened at 11:00 a.m. on September 29, 1998, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $275,105 from Conco West Inc. be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-622

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTABLISH A NEW CIP PROJECT ENTITLED "SECONDARY WASTEWATER TREATMENT PLANT EFFLUENT PUMP STATION FOUNDATION STABILIZATION"

WHEREAS, during the January 1997 flood, the ground adjacent to the Efflucent Pump Station began to settle, which caused the pipe supports and electrical wiring to become separated. Under further investigation, it was determined that the subgrade below the foundation was unstable and the structure was moving; and

WHEREAS, FEMA and OES prepared a damage survey report with an estimated cost of $64,360, which was deposited into the Wastewater Contingency Reserve account; and

WHEREAS, plans and specifications were prepared with a bid submitted in the amount of $275,105. The construction management cost will be $22,000 and construction contingency will be $27,500. This project will be fully funded with contingency reserve funds at this time. Staff will contact the City's insurance carrier to request reimbursement for the remaining expenditures not already reimbursed by FEMA and OES.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures	
621-800-8000-8003 Contingency Reserve	$(324,605)
115-440-K015-6040 Effluent Pump Station Repairs	$ 324,605

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine B
for STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-623

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY

WHEREAS, the California Statewide Communities Development Authority (the "Authority") is authorized pursuant to the provisions of California Government Code Section 6500 *et seq.* and the terms of an Amended and Restated Joint Exercise of Powers Agreement, dated as of June 1, 1988 (the "Agreement"), among certain local agencies throughout the State of California, including the City of Modesto (the "City"), to issue revenue bonds in accordance with Chapter 7 of Part 5 of Division 31 of the California Health and Safety Code for the purpose of financing multifamily rental housing projects; and

WHEREAS, Modesto Standiford Garden Limited, a California limited partnership (collectively, with any related entity, the "Borrower"), has requested that the Authority issue multifamily housing revenues bonds in an aggregate principal amount not to exceed $13,000,000 (the "Bonds") for the purpose of providing financing for the acquisition and rehabilitation of an approximately 250-unit multifamily residential rental project located at 310 Standiford Avenue, Modesto, California, and known as Standiford Gardens Apartments; and

WHEREAS, the Bonds will be "private activity bonds" for purposes of the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, pursuant to Section 147(f) of the Code, prior to their issuance, private activity bonds are required to be approved by the "applicable elected representative" of the governmental units on whose behalf such bonds are expected to be issued and by a governmental unit having jurisdiction over the entire area in which any facility financed by such bonds is to be located, after a public hearing held following reasonable public notice; and

WHEREAS, there has been published, at least 14 days prior to the date hereof, in a newspaper of general circulation within the City, a notice that a public hearing regarding the Bonds would be held on the date hereof; and

WHEREAS, such public hearing was conducted on said date by the City Council of the City (the "Council"), at which time an opportunity was provided to interested parties to present

arguments both for and against the issuance of the Bonds; and

WHEREAS, the members of the Council are the applicable elected representatives of the City; and

WHEREAS, it is intended that this resolution shall constitute the approval of the issuance of the Bonds required by Section 147(f) of the Code and Section 9 of the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MODESTO AS FOLLOWS:

Section 1. The above recitals are true and correct.

Section 2. 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 Bonds for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the project is located, in accordance with said Section 147(f), and (b) Section 9 of the Agreement.

Section 3. 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 that they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing approved hereby.

Section 4. The City Clerk shall forward a certified copy of this Resolution and an affidavit of publication of the notice referred to above to:

Ana Marie del Rio, Esq.
Orrick, Herrington & Sutcliffe LLP
Old Federal Reserve Bank Building
400 Sansome Street
San Francisco, California 94111

Section 5. This resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the council of the City of Modesto held on the 24th day of November 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILILCH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-624

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 11 AND FOR CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE SOUTH SIDE OF HILLGLEN AVENUE WEST OF FINE ROAD IN THE VILLAGE ONE SPECIFIC PLAN AREA. (KAUFMAN AND BROAD)

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

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

WHEREAS, an application has been filed by Kaufman and Broad for a Precise Plan for Area No. 11, property located on the south side of Hillglen Avenue west of Fine Road, and

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

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

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. 98-39, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 98-66, adopted on November 2, 1998, and City staff, by a report dated November 10, 1998, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 11 of the Village One Specific Plan as set forth in said Resolution No. 98-66, and recommended approval of an Amendment to Section 12-3-9 of the Zoning Map to rezone from a Specific Plan-Holding Zone, SP-H to a Specific Plan-Overlay Zone, SP-O, Precise Plan Area 11, property located on the south side Hillglen Avenue, west of Fine Road, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 24, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. 98-39, entitled "City of Modesto Initial Study Precise Plan No. 11 and Rezoning to Specific Plan-Overlay Zone, and Fernwood Vesting Tentative Subdivision Map", for the proposed project, and the Council hereby makes the following findings:

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

2. There are no substantial changes occurring with respect to the circumstances under which the Precise Plan and rezoning are being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

4. The Initial Study, Environmental Assessment No. 98-39, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. 98-39, entitled "City of Modesto Initial Study Precise Plan No. 11 and Rezoning to Specific Plan-Overlay Zone, and Fernwood Vesting Tentative Subdivision Map", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto
Initial Study

Precise Plan No. 11, Rezoning to Specific Plan-Overlay Zone, and Fernwood Vesting Tentative Subdivision Map
EA/CDD 98-39
September 30, 1998

I. PURPOSE

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

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

Section 15182 of the CEQA Guidelines states that no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformance with a specific plan for which an EIR has been prepared, if the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

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

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

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Precise Plan No. 11, rezone to Specific Plan-Overlay Zone, and Fernwood Vesting Tentative Subdivision Map

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

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

D. Project Location:
The south side of Hillglen Drive west of Fine Avenue.

E. Project Sponsor:
Kaufman & Broad, 4701 Sisk Rd., Ste. 201, Modesto, CA 95356

F. General Plan Designation:
Village Residential (VR)

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

H. Description of Proposed Project:
The Precise Plan and rezoning are to allow for the development of 40.46 acres in the Village One Specific Plan, with ten acres designated for an elementary school site, seven acres for a neighborhood park site, and the balance for a single-family subdivision. The subdivision, Fernwood Vesting Tentative Subdivision Map, contains 98 single-family lots.

I. Surrounding land uses:
The project is adjoined on the north and south by single-family subdivisions currently under construction, and to the east and west by agricultural parcels designated in the Village One Specific Plan for residential development.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:

1. **Traffic and Circulation**

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in land use and intensity (98 dwelling units), and provides a circulation system consistent with the Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. **Degradation of Air Quality**

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

3. **Generation of Noise**

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in land use and intensity. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. **Vegetation and Wildlife**

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

5. **Land Use**

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

6. **Population, Employment and Housing**

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

7. **Urban Design and Visual Quality**

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. **Geology and Soils**

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

9. **Hydrology**

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. **Public Services**

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess

of those analyzed by the Village One EIR. In addition, the Precise Plan provides for school and park sites, in accordance with the Village One Specific Plan. Therefore, the impacts to public services of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

11. Fiscal Impacts

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

12. Cumulative Impacts

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

13. Growth Inducing Impacts

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

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

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

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

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

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

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

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

C.C. Atty & Const Admin
CDD - Steve Mitchell

MODESTO CITY COUNCIL
RESOLUTION NO. 98-625

Print

A RESOLUTION DIRECTING THE CITY CLERK TO PUBLISH A NOTICE OF SPECIAL ELECTION FOR MARCH 2, 1999, RELATING TO UTILITY FUND TRANSFERS.

WHEREAS, on November 24, 1998, the Council considered calling a special election relating to a proposal to amend the Modesto Municipal Code to establish a new general tax on the revenue of the City's water and sewer utility enterprise funds and to establish a Citizens Budget Review Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby directs the City Clerk to publish a notice of special election to be held on March 2, 1999.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of November, 1999, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

4/9/99 W:\APPS\CAOFFICE\ROSIE\RESO\PUBLISH.WPD

MODESTO CITY COUNCIL
RESOLUTION NO. 98-626

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS REGARDING REVENUE SHARING/ANNEXATION AND FUTURE DEVELOPMENT IN THE CITY'S GENERAL PLAN AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the negotiations for an agreement between the City of Modesto and the County of Stanislaus for Revenue Sharing/Annexation and Future Development in the City's General Plan Area be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-627

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MISTLIN HONDA FOR PROVIDING CITY WATER SERVICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mistlin Honda for Providing City Water Service be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 24th day of November, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-628

Print

A RESOLUTION APPROVING AMENDMENT NO. 11 TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER & COMPANY FOR ENGINEERING SERVICES FOR 9TH STREET RAILROAD RELOCATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Amendment No. 11 to the agreement between the City of Modesto and DeLeuw, Cather & Company for Engineering Services for 9th Street Railroad Relocation Project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said amendment to agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-629

Print

A RESOLUTION APPROVING AMENDMENT NO. 12 TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND DELEUW, CATHER & COMPANY FOR ENGINEERING SERVICES FOR 9TH STREET RAILROAD RELOCATION PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Amendment No. 12 to the agreement between the City of Modesto and DeLeuw, Cather & Company for engineering services for 9th Street railroad relocation project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said Amendment No. 12 to the agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-630

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED "ANNUAL CATCH BASIN AND VALLEY GUTTER REPAIR" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Annual Catch Basin and Valley Gutter Repair, has been completed by George Reed Inc., in accordance with the contract agreement dated May 12, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Annual Catch Basin and Valley Gutter Repair project be accepted from said contractor, George Reed Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $178,578.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-631

Print

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING FOUR LIGHT EMITTING DIODES (LED) AND TWO RETRO REFLECTIVE SHUTTER FLAP (RSF) TRAILER MOUNTED CHANGEABLE MESSAGE SIGNS

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for furnishing four light emitting diodes (LED) and two retro reflective shutter flap (RSF) trailer mounted changeable message signs, to be opened in the office of the City clerk, 801 11th Street, in the City of Modesto, on January 6, 1999 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-632

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GRAND EVENTS FOR PROVIDING CITY WATER SERVICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Grand Events for providing City water service be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs, Serpa

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-633

Print

A RESOLUTION APPROVING THE FINAL MAP OF THE BRIGGS AVENUE SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, K & D Enterprises, a California corporation, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 3.89 acres, known as BRIGGS AVENUE SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 15th day of December, 1997, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said BRIGGS AVENUE SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct, and

WHEREAS, all public improvements required by the City of Modesto have been completed in said tract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the improvements completed in said tract be accepted; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the

fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-634

A RESOLUTION APPROVING THE FINAL MAP OF THE VILLAGE HIGHLANDS PHASE III SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Inland Village, a General Partnership, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 11.08 acres, known as VILLAGE HIGHLANDS PHASE III SUBDIVISION ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 27th day of November, 1995, and amendments to that map were approved by the CITY Planning Commission on 1st day of April, 1996, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said VILLAGE HIGHLANDS PHASE III SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished

securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-635

Print

A RESOLUTION ACCEPTING THE PROJECT TITLED ALICE STREET – MCHENRY AVENUE SEWER BYPASS AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Alice Street – McHenry Avenue Sewer Bypass, has been completed by Soares Underground Construction, in accordance with the contract agreement dated July 28, 1998.

NOW, THEREFORE, BE IT RESOLVED that the Alice Street – McHenry Avenue Sewer bypass be accepted from said contractor, Soares Underground Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $228,278.67 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-636

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JEFFREY HENNINGS AND MADELINE RODDY TO DEFER FEES FOR PARCEL MAP (APN 78-14-03)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jeffrey Hennings and Madeline Roddy to defer fees for Parcel Map (APN 78-14-03) be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-637

A RESOLUTION APPROVING RENEWAL OF AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR LINE CLEARANCE TREE TRIMMING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the renewal of an agreement between the City of Modesto and Modesto Irrigation District for line clearance tree trimming be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said renewal of agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-638

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MINAGAR AND ASSOCIATES TO PROVIDE CONSULTANT SERVICES FOR THE PROJECT TITLED MODESTO/CERES CCTV SYSTEMS PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Minagar and Associates to provide consultant services for the project titled Modesto/Ceres CCTV systems project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Item 10

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-639

A RESOLUTION APPROVING SUBMISSION OF THE ANNUAL TRANSPORTATION CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG) AND DEOBLIGATION OF CARRYOVER TRANSIT REVENUES FOR STREET PURPOSES.

WHEREAS, on June 9, 1998, the City approved the annual claim for Local Transportation Funds for transit purposes only, and

WHEREAS, the Stanislaus Area Association of Governments (SAAG) has informed the City's Finance Department that the final numbers for non-transit purposes are available to be claimed, and

WHEREAS, the claim includes $1,200,000 for street purposes, $114, 988 for the Amtrak station, and $87,535 for non-motorized projects, and

WHEREAS, the City is also requesting that $759,000 of carryover funds originally apportioned for transit purposes be reallocated for street purposes this fiscal year, and

WHEREAS, Council approval of the claim is required by SAAG prior to funds being released,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the reallocation of $759,000 of carryover funds, originally apportioned for transit purposes, for street purposes this fiscal year.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the annual claim for Transportation Development Funds on behalf of the City of Modesto and submit said claim to the Stanislaus Area Association of Governments (SAAG) in

amount of $1,401,623 for fiscal year 1998-99.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-640

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ALLOCATE $14,000 FOR ADDITIONAL STREET LIGHTING IN PRESCOTT ESTATES & ROSELAWN AVE

WHEREAS, the City has increased community development efforts in Prescott Estates and Roselawn Avenue in order to decrease crime activity and improve the neighborhood; and

WHEREAS, funding is needed to improve street lighting. The existing lighting does not meet neighborhood need in higher crime areas; and

WHEREAS, funding is requested from the Community Development Block Grant to be used for labor/equipment costs.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

Expenditures					
115	140	1466	497	CDBG Load Program	(14,000)
115	440	K015	6040	Street Lights – Prescott Estates/Roselawn	$14,000

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine B Jones
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-641

A RESOLUTION APPROVING EXPANSION OF THE MODESTO AREA DIAL-A-RIDE BOUNDARY.

WHEREAS, staff received a request for Modesto Area Dial-A-Ride service to be expanded to include the area bounded by Sisk Road, Pirrone Road, Finney Road and Kiernan Avenue, as shown on the attached map, and

WHEREAS, including the additional area within the Modesto Area Dial-A-Ride service would be consistent with Federal guidelines, and

WHEREAS, the Transportation Policy Committee has approved the proposed expansion of the service area, and

WHEREAS, at its meeting of December 8, 1998, the City Council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the expansion of the Modesto Area Dial-A-Ride Boundary to include the area bounded by Sisk Road, Pirrone Road, Finney Road and Kiernan Avenue, as shown on the attached map.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

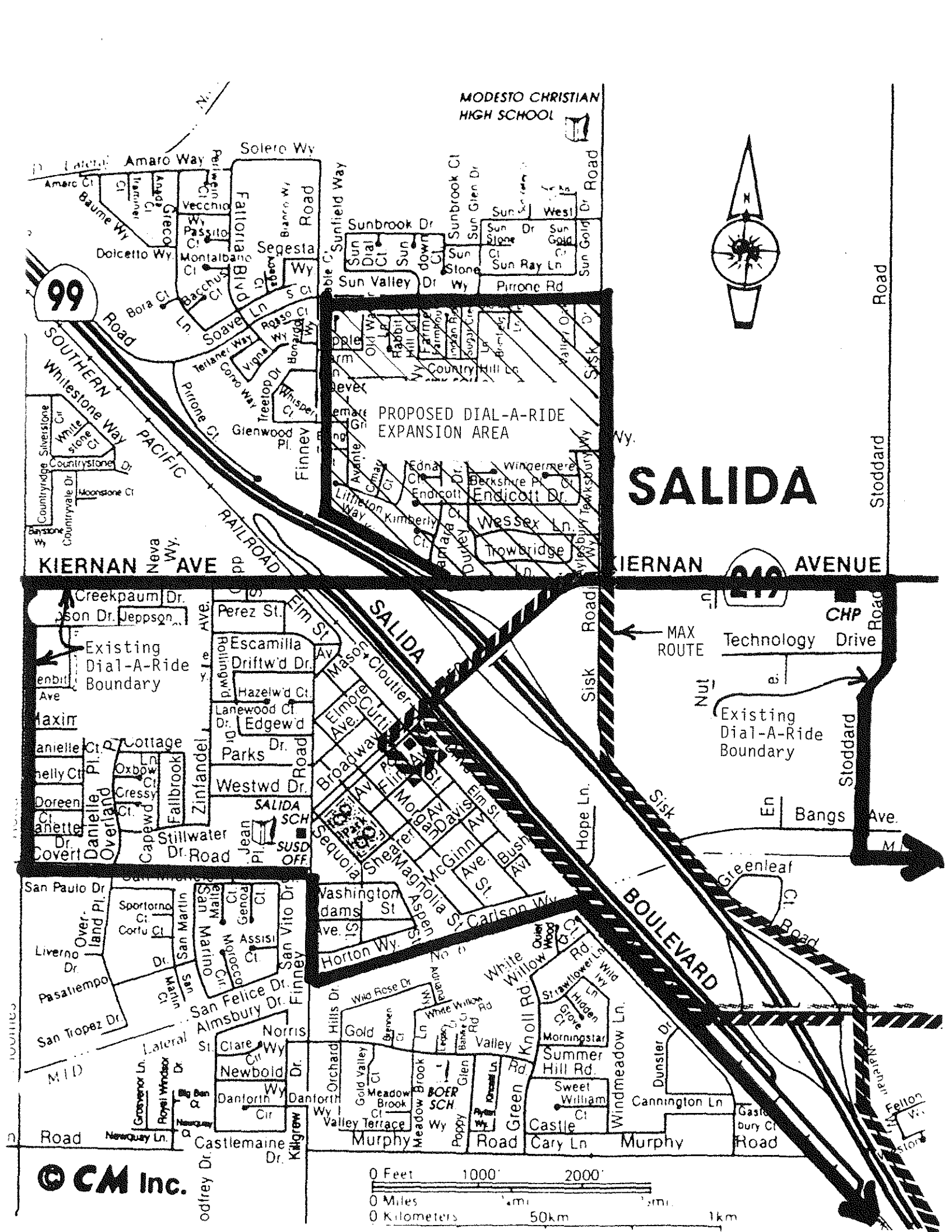
AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney


MODESTO CHRISTIAN HIGH SCHOOL
PROPOSED DIAL-A-RIDE EXPANSION AREA
SALIDA
KIERNAN AVENUE
Existing Dial-A-Ride Boundary
Existing Dial-A-Ride Boundary
MAX ROUTE
Technology Drive
CHP
SALIDA SCH
SUSD OFF.
BOER SCH
BOULEVARD
Road
Stoddard
Sisk
Finney
Pirrone Rd
Sun Valley Dr
Sunbrook Dr
Sunfield Way
Solero Wy
Amaro Way
Segesta Wy
Fallorata Blvd
Dolcetto Wy
Soave Ln
Bora Ct
Pirrone Ct
Glenwood Pl.
Whitestone Way
Countrystone Dr
Countryside Dr
Moonstone Ct
Creekpaum Dr.
Perez St.
Escamilla Dr
Driftw'd Dr.
Hazelw'd Ct
Lanewood Ct
Edgew'd Dr.
Parks Dr.
Westwd Dr.
Stillwater Dr.
Covert Dr.
Danielle Ct
Overland Ct
Capewd Ct
Fallbrook Ct
Zinfandel Ct
Oxbow Ct
Cressy Ct
Cottage Ln
Maxim
Doreen Ct
Elm St
Mason St
Cloutier
Broadway
Curtis Ave
Elmore Ave
Morgan Ave
Davis Ave
Bush Ave
McGinn Ave
Shearer St
Magnolia St
Aspen St
Carlson Wy
Washington St
Adams St
Horton Wy
Hope Ln
Greenleaf Ct
Bangs Ave
Nut
San Paulo Dr
Sportorno Ct
Corfu Ct
San Martin Ct
Malta Ct
Genoa Ct
San Vito Dr
Assisi Ct
Morocco Ct
Liverno Dr
Pasatiempo Dr
San Tropez Dr
San Felice Dr
Almsbury Dr
Norris Ct
Clare Wy
Newbold Dr
Danforth Cir
Castlemaine Dr
Grosvenor Ln
Royal Windsor Dr
Big Ben
Newquay
Newquay Ln
Killigrew
Wild Rose Dr
Hills Dr
Gold Valley Ct
Meadow Brook Ct
Valley Terrace Wy
Orchard Glen Rd
Gold Valley Rd
White Willow Rd
Knoll Rd
Oriole Wood Ct
Strawflower Ln
Wild Ivy
Hidden Grove Ct
Morningstar Ln
Summer Hill Rd
Sweet William Ct
Windmeadow Ln
Dunster Dr
Cannington Ln
Castle Cary Ln
Murphy Road
Poppy Wy
Green Valley Rd
Meadow Brook Rd
Sun Dial Ct
Sun down Ct
Sun Stone Ct
Sun Ray Ln
Sun Gold Dr
Sun Glen Dr
Sun West Dr
Rabbit Hill Ct
Old Way Ln
Farmer Ln
Country Hill Dr
Sugar Creek Ln
Valley Oak Dr
Endicott Dr
Berkshire Pl
Wingermere Ct
Edna Ct
Avante Ct
Almara Ct
Durney Ct
Littleton Way
Kimberly Ct
Wessex Ln
Trowbridge Ln
Tewksbury Wy
Wy.
Lateral
MID
Road
99
SOUTHERN PACIFIC RAILROAD
KIERNAN AVE
Neva Wy.
Nevada
Jeppson
Maxim
Ave
Ave.
Ln
Dr.
Ct
Wy
Cir
Pl
St
Ave
Rd
Blvd
Road
Lateral
MID
0 Feet 1000' 2000'
0 Miles
0 Kilometers 50km 1km
© CM Inc.

RESCINDED
Print
1999-290
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 98-642

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS AND REQUESTING THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE NORTH MCHENRY-EAST REORGANIZATION TO THE CITY OF MODESTO, PROPERTIES LOCATED ALONG THE EAST SIDE OF MCHENRY AVENUE FROM THE EXISTING CITY LIMITS, NORTH TO CLARIBEL AVENUE. (COUNCIL INITIATED - UNINHABITED).

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the ***North McHenry-East Reorganization*** to the City of Modesto, which is contiguous to the Modesto City limits, and

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and each subject agency, and

WHEREAS, there are no Williamson Act contracts within the annexation area, and

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

WHEREAS, said territory consists of 62 acres, as set forth on Exhibit "B", attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the City and the County of Stanislaus are in the process of negotiating and considering a particular Agreement to share the Tax Revenues from the commercial uses on North McHenry Avenue, and both agencies are in support of the annexation of this area, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit "A" attached hereto, to the City of Modesto.

(b) The detachment of said territory from the Stanislaus Consolidated Fire Protection District.

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

WHEREAS, the reasons for this proposed North McHenry-East Reorganization to the City of Modesto are as follows:

1. The proposed reorganization is in compliance with our Modesto Urban Area General Plan.

2. This reorganization represents an area that is uninhabited and is likely to succeed.

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

WHEREAS, the Community Development Department Director shall be the chief petitioner,

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

1. That future development of this site shall be consistent with the Modesto Urban Area General Plan, adopted by the Council of the City of Modesto on August 15, 1995.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit "A", attached hereto, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

3. That the proposed Reorganization is covered by the City's General Plan Master EIR (SCH#92052017), and has received CEQA environmental review through an Initial Study leading to a Finding of Conformance with the Master EIR, and, therefore, the City suggests that LAFCO, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the Initial Study in LAFCO's deliberations on this reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government

Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the North McHenry-East Reorganization 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

WRITTEN DESCRIPTION

NORTH McHENRY EAST
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property situate in Section 4 and Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and situate in Section 32 and Section 33, Township 2 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Beginning at a point on the West right of way line of 55.00 foot half-width McHenry Ave, said point being the intersect of said West right of way line and the westerly projection of the North right of way line of a 50.00 foot half-width Claratina Avenue; thence northerly along said west right of way line and northerly projections, the following six (6) courses :

1.) North 01°13'57" West, distant 55.00 feet westerly of and parallel with the West line of said Section 4, a distance of 1263.45;
2.) North 01°14'29" West, distant 55.00 feet westerly of and parallel with the West line of said Section 4, a distance of 1323.92 feet to an angle point in said West right of way line;
3.) North 88°45'31" East 5.00 feet to an angle point;
4.) North 01°14'29" West, distant 50.00 feet westerly of and parallel with the West line of said Section 4, a distance of 100.00 feet to an angle;
5.) South 88°45'31" West 5.00 feet to an angle point;
6.) North 01°14'29" West, distant 55.00 feet westerly of and parallel with the West line of said Section 4, a distance of 1359.45 feet;

thence North 88°45'31" East 80.00 feet to a point on the East right of way line of a 25.00 foot half-width McHenry Avenue; thence South 01°14'29" East, along said East right of way line, a distance of 48.57 feet to a point on the North right of way line of a 20.00 foot half-width Clarabel Road; thence South 89°28'01" East, along said North right of way line, a distance of 645.54 feet to a point of intersect with the Northerly projection of the East line of Parcel A as shown on the Parcel Map filed for record on February 16, 1984 in Book 35 of Parcel Maps, at Page 1, Stanislaus County Records; thence South 01°14'29" East, along said East line and Northerly projection, a distance of 405.15 feet to the Southeast corner of said Parcel A; thence North 89°28'01" West, along the South line of said Parcel A, a distance of 215.33 feet to the Northwest corner of Parcel 2 as shown on the Parcel Map filed for record on March 29, 1996 in Book 47 of Parcel Maps, at Page 68, Stanislaus County Records; thence South 01°14'29" East, along the West line of said Parcel 2, and along the West line of Parcel 1 as shown on the Parcel Map filed for record on October 31, 1989 in Book 42 of Parcel Maps, at Page 47, Stanislaus County Records, and along the West line of Parcel 3 as shown on the Parcel Map filed for record on December 27, 1984 in Book 36 of Parcel Maps, at Page 5, Stanislaus County Records, a distance of 2362.19 feet to an angle point in the West line of said Parcel 3 said angle point being a point on the South right of way line of a 30.00 foot half-width Bangs Avenue, thence

North 89°14'49" West, along said South right of way line and the West line of said Parcel 3, a distance of 7.40 feet to an angle point in the West line of said Parcel 3; thence South 00°45'11" West, along said West line and Southerly projection, a distance of 221.49 feet to a point on the North right of way line of a 100.00 foot wide Modesto Irrigation District lateral No. 6; thence South 89°25'46" East, along said North right of way line, a distance of 489.08 feet to a point of intersect with the Northerly projection of the East line common to Parcel A and Parcel B as shown on the Parcel Map filed for record on June 7, 1994 in Book 46 of Parcel Maps, at Page 63, Stanislaus County Records; thence South 01°13'48" East, along the Northerly projection of said common East line, and along said common East line, and along the East line of Parcel 4 as shown on the Parcel Map filed for record on December 18, 1980 in Book 31 of Parcel Maps, at page 22, Stanislaus County Records, a distance of 1010.99 feet to a point on the North right of way line of said Claratina Avenue said point being on the North City limits line of the COFFEE-CLARATINA REORGANIZATION TO THE CITY OF MODESTO; thence North 89°29'48" West, along said North right of way line and said North City Limits Line and the westerly extension thereof, a distance of 984.19 feet to the Point of Beginning, and containing 59.86 acres, more or less.

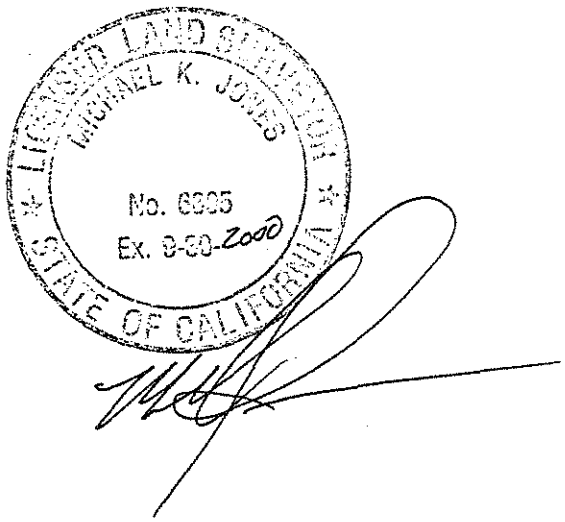
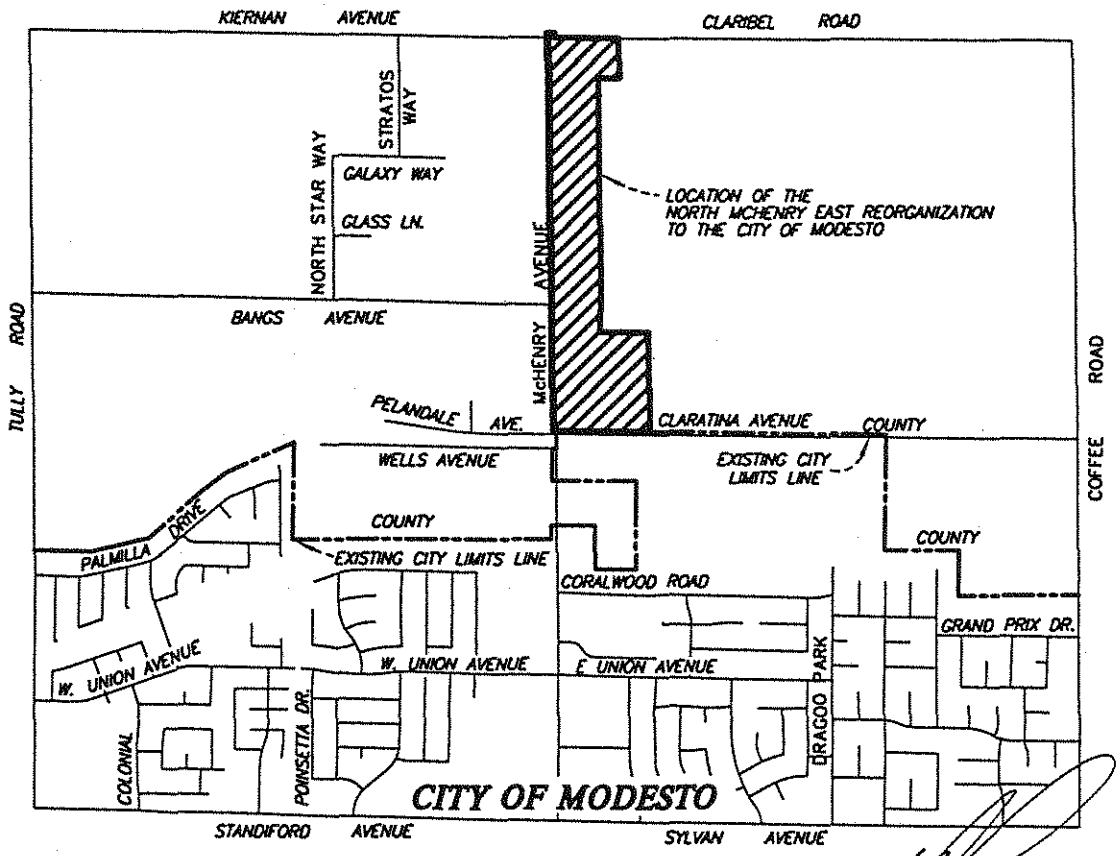


EXHIBIT "B"

ANNEXATION PROPOSAL MAP

N

SCALE 1"=2000'



LICENSED LAND SURVEYOR
MICHAEL K. JONES
No. 6635
Ex. 9-30-2000
STATE OF CALIFORNIA

SCALE :	1"=2000'
DRAWN BY :	E. SCHMITZ
FILE :	4960VIC1.DWG
DATE :	DEC. 8, 1998

O'Dell Engineering
1101 M St. Suite 1 Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2466

NORTH McHENRY EAST REORGANIZATION TO THE CITY OF MODESTO

EXHIBIT "C"

NORTH MCHENRY-EAST REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the North McHenry-East Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Stanislaus Consolidated Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 7 at Palmwood and Mable.

2. **Police Protection** - Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** - Service would be extended upon development of the area, at no cost to the City as existing City fees and developer financing will be sufficient to cover the cost.

5. **Water Service** - Service would be provided by the City of Modesto upon annexation.

6. **Streets** - Streets will be the responsibility of the developer and be integrated into the development of the project.

B. The Level and range of services:

The City of Modesto is a full-service provider of municipal services and would provide the full range of services for those areas listed above.

C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.

D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.

E. How will services be financed?

Services will be financed through a combination of connection fees and Enterprise Fund.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-643

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017) FOR THE MODESTO URBAN AREA GENERAL PLAN: RESOLUTION INITIATING AN APPLICATION TO LAFCO TO TAKE PROCEEDINGS TO ANNEX THE NORTH MC HENRY EAST REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

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

WHEREAS, the Community Development Department, by Initial Study, EA NO. CDD 98-55, reviewed the proposed North McHenry East Reorganization to the City of Modesto, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

and

WHEREAS, on December 8, 1998, the City Council considered approving a Resolution of Application to LAFCO Initiating Proceedings for the North Mc Henry East Reorganization to the City of Modesto and reviewed said Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered an Initial Study, EA NO. CDD 98-55, prepared by the Community Development Department, for the proposed North McHenry East Reorganization to the City of Modesto, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, makes the following findings:

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

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

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

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

5. That all feasible mitigation measures set forth in the Master EIR which

are appropriate to the project shall be incorporated in the project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, and Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

City of Modesto

Initial Study

NORTH MCHENRY EAST REORGANIZATION

EA NO. CDD 98-55

I. PURPOSE:

The Master Environmental Impact Report for the Modesto urban Area General Plan allows for limited environmental review of this proposed North McHenry East Reorganization. The Final Master EIR (SCH # 92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION:

A. Project Title:
North McHenry East Reorganization

B. Lead Agency Name and Address:
City of Modesto, P.O. Box 642 Modesto, CA 95353

C. Contact Person, address and phone number:
Steve Nish, Associate Planner, 801 Eleventh Street, Modesto, CA
(209) 577-5280

D. Project Location:
In the North Modesto Urban Area along the east side of McHenry Avenue between Claratina Avenue and Claribel Avenue

E. Project Sponser, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353

F. General Plan Designation:
Hetch Hetchy Comprehensive Planning District

Exhibit "A"

G. Zoning:
Existing: County Planned Development Zone
Prezoning: C-3, Highway Frontage Commercial (Regional Commercial)

H. Description of Proposed Project:

Annexation of 22 properties totaling approximately 62 acres that includes properties on the east side of McHenry Avenue from the City Limits at Claratina Avenue north to Claribel Avenue (see Exhibit A). Except for one parcel the area is completely developed with Regional Commercial uses such as auto dealerships, a floral supply business and a previous home improvement center building, and a steel fabrication company. Water service will be extended to the vacant property at 4754 McHenry (Assessors Parcel No. 052-06-55) so it can be developed with an auto dealership.

I. Surrounding Land Uses:
North: Unincorporated County land including businesses on McHenry
South: Coffee/Claratina Specific Plan area and existing commercial businesses along McHenry Avenue
East: Unincorporated agricultural land
West: Planned Industrial and existing commercial and business park uses

J. Other Public agencies whose approval is required:
An adopted property City-County tax sharing agreement is required for this area.

II. <u>ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:</u>
There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. **Traffic and Circulation**
Except for one parcel, 4754 McHenry which is proposed to be an auto dealer (a use consistent with the Regional Commercial designation shown on the City's General Plan Land Use Diagram), the project area is completely developed. Thus the annexation would result in no new land uses that are not anticipated by the traffic model that analyzed the General Plan. Thus the proposed annexation is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, therefore, still valid.

B. **Degradation of Air Quality**

This proposed annexation area of existing urban development and the subsequent development of an auto dealership at 4754 McHenry are all within the City's primary Sphere of Influence and are consistent with the City's General Plan. These uses will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-5) are, therefore, still valid.

C. **Generation of Noise**

Annexation of the North McHenry East area and the subsequent development of an auto dealership at 4754 McHenry, because they are uses consistent with the General Plan, will not affect an increase in the projected generation of noise for this area. There is no adjacent non-residential development to the area. Any future residential developers of the Hetch-Hetchy Comprehensive Planning District east of the area would be required to incorporate noise mitigation measures into their projects. Therefore, the project will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. **Loss of Productive Agricultural Land**

The annexation area is designated for urban development on both the Stanislaus County and Modesto General Plans and, except for one parcel, is already developed with Regional Commercial uses. The remaining parcel, 4754 McHenry is not being farmed, but is vacant commercial property. The annexation will thus, not remove any agricultural lands from production. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. **Increased Demand for Water Supplies**

All properties in the annexation area, except for one, have been connected to City water system for several years. The property not yet served at 4754 McHenry, would be extended water service for an auto dealership prior to annexation. This water connection would require no additional water supplies beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. **Increased Demand for Sanitary Sewer Services**

The 62-acre annexation and its existing and proposed uses are consistent with the Regional Commercial designation in the City's General Plan and will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are, therefore, still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**

The 62-acre annexation proposal is for the incorporation of an existing urbanized area of the General Plan that has been almost completely developed for several years. There is clearly no impact to sensitive wildlife or any plant habitat beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**

This annexation of existing developed properties, including one being prepared for development, will not disturb any archaeological or historic sites because it is approximately six miles north of the potential archaeological resource study area shown in the General Plan MEIR, Figure 8-1. Thus the site will not require additional site specific investigations. The Existing conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. **Drainage, Flooding and Water Quality**

The proposed annexation includes uses that were in place when the 1995 Modesto Urban Area General Plan Update and its environmental analysis, the General Plan Master EIR were adopted. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.

J. **Increased Demand for Storm Drainage**
The reorganization includes a 62-acre area that has been almost completely developed and includes some storm drainage infrastructure. Existing development was in the unincorporated County and was under an area-wide storm drainage master plan. The remaining parcels to be developed will also be required to meet local standards for storm drainage. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore, still valid.

K. **Increased Demand for Parks and Open Space**
The annexation proposal to incorporate approximately 62-acres of developed Regional Commercial uses into the City of Modesto would not generate any new population that would use parks or open space facilities. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

L. **Increased Demand for Schools**
The proposed annexation is to bring into the City a 62-acre developed Regional Commercial area that consists solely of non-residential uses. Commercial development pays a proportional school fee to offset related impacts. However, since there will be no students generated, the proposal will not impact the Modesto school system. Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore, still valid.

M. **Increased Demand for Police Services**
Annexation of the 62-acre area will result in the transfer of service demand from the Stanislaus County Sheriff Department to the City of Modesto Police Department. However, the area was studied by the General Plan Master EIR and is anticipated to have a less than significant impact on the need for additional police services. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore, still valid.

N. **Increased Demand for Fire Services**
Annexation of the 62-acre area of Regional Commercial uses will result in the transfer of the fire protection responsibility from the Stanislaus Consolidated Fire Protection District to the City of Modesto Fire Department. However, this area was analyzed by the City's Fire department during the General Plan Master EIR process and has been determined to be a less than significant impact on demand for services. The area can be served by Fire Station No. 7 at Palmwood and Mable

Avenues approximately 1.5 miles distant, as well as other Modesto Fire stations in the north urban area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

O. **Generation of Solid Waste**

The annexation area of developed Regional Commercial uses is currently provided waste disposal service by the Bertolotti Disposal Company, who would also continue serving the area following annexation. Since there would only be a minor increase in waste generated from the incremental development proposed, the analysis in the MEIR is still consistent. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore, still valid.

P. **Generation of Hazardous Materials**

Because this annexation will not result in additional or different type of development not already identified in the adopted General Plan, there will be no additional hazardous material generated beyond those identified in the MEIR. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore, still valid.

Q. **Landslides and Seismic Activity**

The annexation of the 62-acre developed Regional Commercial area, because the land is essentially flat, Uniform Building Code requirements have been addressed, and the nearest earthquake fault line is over 15 miles west of the Modesto Urban Area, will have no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

R. **Energy**

Because existing and proposed uses in the 62-acre North McHenry East area are consistent with the Regional Commercial designation in the General Plan the project is consistent with the analysis in the MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, that development of the urban area would result in a less than significant impact on demands for energy. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore, still valid. Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed North McHenry East annexation of 62-acres is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

B. The proposed North McHenry East annexation and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).

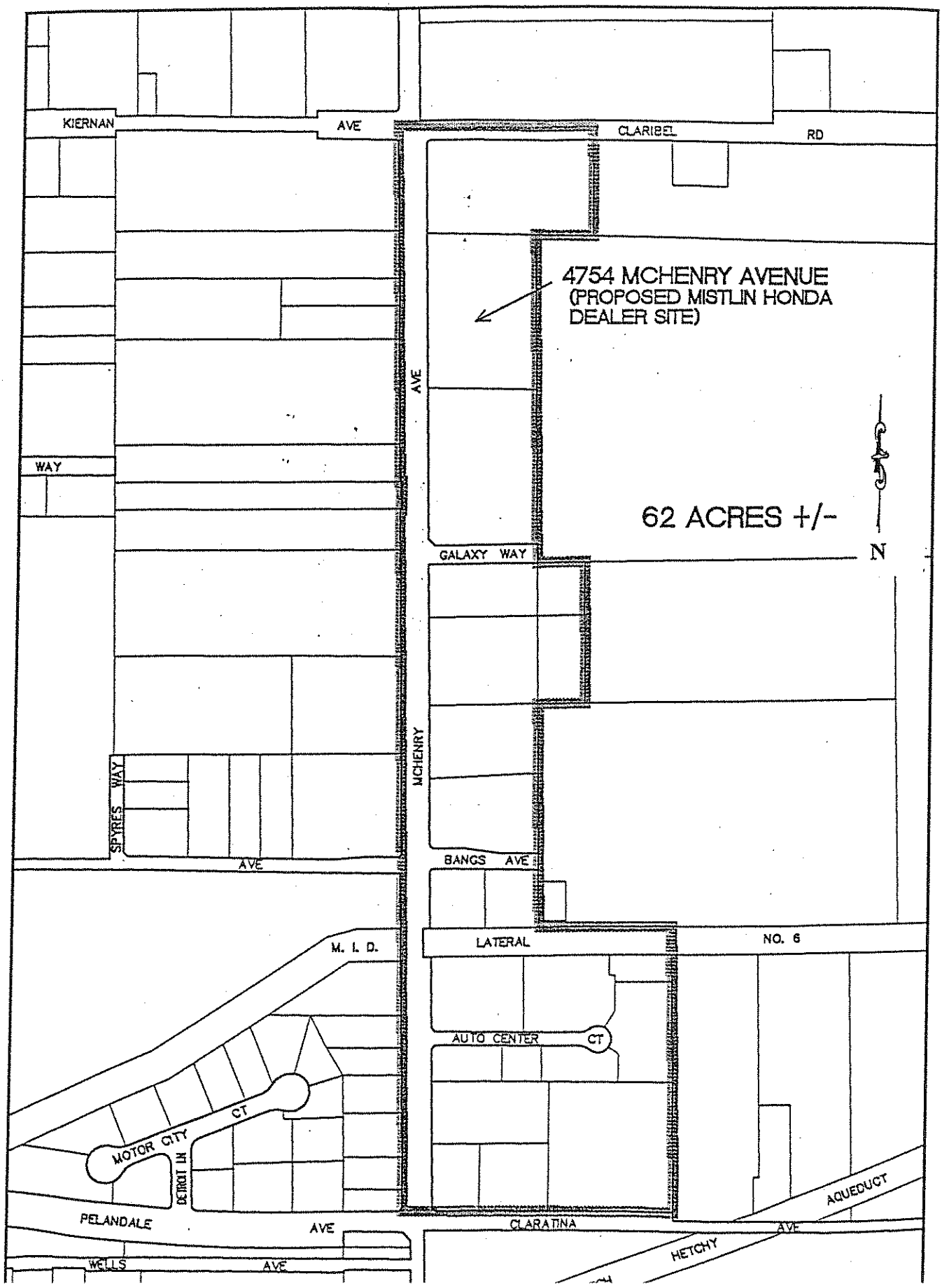
D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

E. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: 

EXHIBIT A

PROPOSED NORTH MCHENRY EAST REORGANIZATION



Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-644

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES) APPLICATION FOR SUBMITTAL TO THE CENTRAL VALLEY WATER QUALITY CONTROL BOARD.

WHEREAS, the City of Modesto is required under Federal regulations, as are all municipalities in the United States with a population greater than 100,000, to implement a Stormwater Management Program to meet certain objectives, and

WHEREAS, the City is required to file a Report of Waste Discharge on its municipal stormwater discharge, with the Central Valley Water Control Board by December 27, 1998, which Report of Waste Discharge is essentially a stormwater permit reapplication, and

WHEREAS, said report was presented to the Utility Services & Franchises Committee on November 5, 1998, and said Committee recommended to the City Council approval of the National Pollutant Discharge Elimination System (NPDES) Permit application and submittal to the Central Valley Water Control Board as required, and

WHEREAS, said matter was considered by the City Council at its meeting of December 8, 1998, and a copy of said Report of Waste Discharge is on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to execute the National Pollutant Discharge Elimination System Permit (NPDES) application for submittal to the Central Valley

Quality Control Board.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-645

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTIMATE REVENUES OF $574,444 FOR FISCAL YEAR 1998-99 CAPITAL IMPROVEMENT PROGRAM AND CREATE FOUR NEW PROJECTS

WHEREAS, staff successfully applied for Federal Hazard Elimination Safety and Congestion Mitigation Air Quality grant funding in the amount of $574,444 for four new CIP projects; and

WHEREAS, staff did not budget these projects in the regular fiscal cycle since staff was unable to predict which of the proposed projects would be approved for funding.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

				Increase (Decrease)
Expenditures				
70	160	K005	6010 Modify 8 T/S: Tully and College	40,000
70	160	K005	6040 Modify 8 T/S: Tully and College	410,000
70	160	K005	6050 Modify 8 T/S: Tully and College	30,000
70	160	K006	6010 Traffic Control Sign Replacement	3,000
70	160	K006	6040 Traffic Control Sign Repalcement	47,000
70	160	K007	6010 Street Name Sign Replacement	3,000
70	160	K007	6040 Street Name Sign Replacement	47,000
70	160	K008	6010 Stop Sign Replacement	3,000
70	160	K008	6010 Stop Sign Replacement	46,500
70	800	8000	8003 Contingency Reserve	(55,056)
Reserves				
70	510	9510	3504 Federal Revenue	574,444

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine Brown
for STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-646

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO APPROPRIATE $55,056 FROM THE GAS TAX CONTINGENCY RESERVE FUND TO FULLY FUND FOUR NEW CIP PROJECTS

WHEREAS, staff successfully applied for Federal Hazard Elimination Safety and Congestion Mitigation Air Quality grant funding in the amount of $574,444 for four new CIP projects; and

WHEREAS, staff did not budget these projects in the regular fiscal cycle since staff was unable to predict which of the proposed projects would be approved for funding; and

WHEREAS, staff's share amounts to $55,056 to fully fund all four projects.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended. All transactions for this resolution are included in Resolution #98-645.

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Catherine Brown for
STAN FEATHERS, Budget Officer

16

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-647

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO CONFIRMING THE CANVASS OF THE SPECIAL MUNICIPAL ELECTION WHICH WAS HELD IN THE CITY OF MODESTO ON NOVEMBER 3, 1998, AND DECLARING THE RESULTS OF SAID SPECIAL ELECTION WHICH WAS PART OF A CONSOLIDATED GENERAL ELECTION.

WHEREAS, on Tuesday, November 3, 1998, a Special Municipal Election was held in the City of Modesto (herein called "City") of Stanislaus County to submit to the qualified electors in the City of Modesto certain advisory measures, as follows:

1. *Measure "A" relating to Binding Interest Arbitration Charter Amendment;*

2. *Measure "B" relating to BIA Charter Amendment;*

3. *Measure "C" relating to providing sewer service to Urban Areas, and*

WHEREAS, said election was held on Tuesday, November 3, 1998, 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 special municipal election in accordance with law, and certified the results of the election to the Council by a Certificate of Canvass and Statement of Votes dated December 2, 1998, a copy of which is attached hereto marked Exhibit "A" and made a part hereof,

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

SECTION 1. Said canvass by the City Clerk as shown on said Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Sections 15308 and 15309 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit "A" and made a part hereof, shows a complete tabulation of the following:

(a) The whole number of votes cast in the City.

(c) The number of votes given in the City for Measure A.

(c) The number of votes given in the city for Measure B.

(d) The number of votes given in the city for Measure C.

SECTION 3. The following votes were cast for Measures A, B and C:

Measure	Total Votes For	Total Votes Against
Measure A: *Binding Interest Arbitration Charter Amendment*	24,777	16,866
Measure B: *Voter Approval for BIA Charter Amendment*	17,664	23,799
Measure C: *Provide Sewer to Urban Area*	22,402	17,819

Measure A. More than a majority of all of the votes cast at the election on *Measure A* were in favor of said Binding Interest Arbitration Charter Amendment, and said Measure did carry and was approved and was not ratified by a majority of the qualified voters voting on said *Measure A*.

Measure B. Less than a majority of all of the votes cast at the election on *Measure B* were in favor of said Voter Approval for BIA Charter Amendment, and said Measure did not carry and was not approved and was not ratified by a majority of the qualified voters voting on said *Measure B*.

Measure C. More than a majority of all of the votes cast at the election on *Measure C* were in favor of said Measure to Provide Sewer to the Urban Area, and said Measure did carry and was approved and was ratified by a majority of the qualified voters

voting on said *Measure C.*

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO SPECIAL MUNICIPAL ELECTION
NOVEMBER 3, 1998

CERTIFICATE OF CANVASS
AND
STATEMENT OF VOTE

CITY OF MODESTO SPECIAL MUNICIPAL ELECTION
November 3, 1998

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on December 1, 1998, to publicly canvass the returns of the City of Modesto Special Municipal Election held on November 3, 1998. The following are the results of said election:

MEASURES	NUMBER OF VOTES		PERCENTAGE OF VOTE
Measure A			
Binding Interest Arbitration	24,777	YES	59.50
Charter Amendment	16,866	NO	40.50
Measure B			
Voter Approval for BIA	17,664	YES	42.60
Charter Amendment	23,799	NO	57.40
Measure C			
Provide Sewer to Urban Area	22,402	YES	55.70
	17,819	NO	44.30

Voter Turnout

Measures A, B & C	46,024	55.85

JEAN ZAHR
City Clerk/Auditor
City of Modesto

December 2, 1998

STATEMENT OF THE VOTE

OF

STANISLAUS COUNTY

STATE OF CALIFORNIA

-CAST AT THE-

CONSOLIDATED GENERAL ELECTION

-HELD-

TUESDAY, NOVEMBER 3, 1998

State of California
ss
County of Stanislaus

I, KAREN L. MATHEWS, County Clerk-Recorder, of the above named county, do hereby certify that the within is a true and correct statement of result of the votes cast in this county at the Consolidated General Election as determined by the official canvass of the returns of the said election.

Witness my hand and seal, this 1st day of December, 1998.

KAREN L. MATHEWS
County Clerk-Recorder

124 PRECINCTS	REGISTERED VOTERS	BALLOTS CAST	VOTER TURNOUT PERCENTAGE	CITY OF MODESTO MEASURE A YES	CITY OF MODESTO MEASURE A NO	CITY OF MODESTO MEASURE B YES	CITY OF MODESTO MEASURE B NO	CITY OF MODESTO MEASURE C YES	CITY OF MODESTO MEASURE C NO
COUNTY TOTAL	82410	46024	55.85	24777	16866	17664	23799	22402	17819
25TH ASSEMBLY	67769	38908	57.41	20849	14419	15003	20123	18958	15092
26TH ASSEMBLY	14641	7116	48.60	3928	2447	2661	3676	3444	2727
1ST SUPERVISORIAL	17587	9983	56.76	5463	3651	3807	5253	5215	3586
3RD SUPERVISORIAL	24972	13143	52.63	7102	4734	4965	6813	6178	5230
4TH SUPERVISORIAL	36749	21547	58.63	11445	8034	8368	11050	10307	8529
5TH SUPERVISORIAL	3102	1351	43.55	767	447	524	683	702	474
MODESTO	82410	46024	55.85	24777	16866	17664	23799	22402	17819

124 PRECINCTS	REGISTERED VOTERS	BALLOTS CAST	TURNOUT PERCENTAGE	CITY OF MODESTO MEASURE A YES	CITY OF MODESTO MEASURE A NO	CITY OF MODESTO MEASURE B YES	CITY OF MODESTO MEASURE B NO	CITY OF MODESTO MEASURE C YES	CITY OF MODESTO MEASURE C NO
0127 AV-13	0	1837		940	733	768	883	911	691
0128 MODESTO 001	782	302	38.62	153	109	116	147	147	113
0129 MODESTO 002	1002	342	34.13	197	120	120	194	160	143
0130 MODESTO 007	549	191	34.79	93	73	70	97	86	79
0131 MODESTO 048	1027	385	37.49	167	175	170	175	186	147
0132 MODESTO 074	827	379	45.83	159	194	159	189	165	172
0133 MODESTO 088	1077	450	41.78	227	183	162	244	247	150
0134 MODESTO 101	931	348	37.38	198	109	109	195	182	123
0135 MODESTO 106	877	333	37.97	204	105	129	176	184	106
0136 MODESTO 111	894	358	40.04	215	119	114	214	198	115
0137 MODESTO 112	775	288	37.16	166	101	98	172	147	115
0138 MODESTO 125	213	107	50.23	57	46	53	47	55	41
0139 MODESTO 127	1	0		0	0	0	0	0	0
0140 AV-14	0	2801		1508	1010	1184	1326	1269	1153
0141 MODESTO 014	768	228	29.69	110	98	77	133	102	100
0142 MODESTO 015	839	284	33.85	179	80	77	180	112	134
0143 MODESTO 16	540	166	30.74	88	66	56	100	72	82
0144 MODESTO 17	879	275	31.29	138	108	98	151	110	129
0145 MODESTO 18	564	233	41.31	117	91	80	127	96	97
0146 MODESTO 064	510	123	24.12	60	49	37	72	59	51
0147 MODESTO 065	403	158	39.21	75	48	57	67	74	47
0148 MODESTO 067	763	207	27.13	118	72	78	110	106	80
0149 MODESTO 068	696	259	37.21	133	104	80	157	119	110
0150 MODESTO 069	780	266	34.10	145	96	100	136	150	74
0151 MODESTO 084	1012	413	40.81	214	166	150	228	210	156
0152 MODESTO 085-095	883	272	30.80	168	84	83	166	113	135
0153 MODESTO 086	965	334	34.61	186	117	145	158	186	104
0154 MODESTO 090	862	407	47.22	202	171	154	218	195	164
0155 MODESTO 096	1064	377	35.43	195	145	129	209	181	142
0156 MODESTO 097	967	332	34.33	178	114	128	160	190	92
0157 MODESTO 099	791	247	31.23	146	74	83	135	115	93
0158 MODESTO 107	747	258	34.54	133	99	102	129	124	103
0159 MODESTO 113	634	240	37.85	109	102	94	115	110	93
0160 MODESTO 120	134	67	50.00	36	24	32	29	29	30
0161 AV-15	0	1643		906	592	690	803	746	704
0162 MODESTO 004	551	150	27.22	85	46	42	87	70	52
0163 MODESTO 006	939	214	22.79	111	79	84	108	101	86
0164 MODESTO 008	1047	376	35.91	216	105	121	194	186	121
0165 MODESTO 009-010	1016	350	34.45	195	119	116	195	164	134
0166 MODESTO 011	555	202	36.40	122	61	68	115	71	106
0167 MODESTO 012	705	244	34.61	142	88	91	133	138	84
0168 MODESTO 013	650	233	35.85	121	101	83	136	96	110
0169 MODESTO 024	902	305	33.81	158	107	121	145	154	105
0170 MODESTO 029	903	360	39.87	206	125	126	201	197	121
0171 MODESTO 061	1029	428	41.59	233	153	141	242	189	188
0172 MODESTO 062	825	340	41.21	194	115	112	195	155	145
0173 MODESTO 063	962	306	31.81	151	110	123	136	166	90
0174 MODESTO 092	26	3	11.54	3	0	2	1	2	0
0175 MODESTO 116	0	1		0	1	1	0	0	1
0176 MODESTO 117	61	41	67.21	21	14	20	16	21	14

124 PRECINCTS	REGISTERED VOTERS	BALLOTS CAST	VOTER TURNOUT PERCENTAGE	CITY OF MODESTO MEASURE A YES	CITY OF MODESTO MEASURE A NO	CITY OF MODESTO MEASURE B YES	CITY OF MODESTO MEASURE B NO	CITY OF MODESTO MEASURE C YES	CITY OF MODESTO MEASURE C NO
0177 AV-16	0	8097		4203	3070	3400	3868	3822	3246
0178 MODESTO 019	1053	365	34.66	189	139	139	184	178	143
0179 MODESTO 020	613	204	33.28	99	81	54	121	84	86
0180 MODESTO 021	673	229	34.03	124	86	70	139	121	83
0181 MODESTO 022	705	249	35.32	119	104	97	121	110	107
0182 MODESTO 027	695	308	44.32	155	125	130	148	137	132
0183 MODESTO 028	770	237	30.78	131	77	83	125	110	91
0184 MODESTO 030-081	920	354	38.48	197	126	141	180	177	127
0185 MODESTO 031-054	1092	375	34.34	213	122	126	208	183	140
0186 MODESTO 032	873	266	30.47	151	79	87	143	121	102
0187 MODESTO 033	659	250	37.94	141	88	112	117	112	109
0188 MODESTO 034	541	253	46.77	120	114	106	126	108	109
0189 MODESTO 035	414	170	41.06	87	74	75	86	83	71
0190 MODESTO 036	662	268	40.48	142	97	103	132	122	105
0191 MODESTO 037	472	172	36.44	96	65	72	86	86	74
0192 MODESTO 038	563	249	44.23	156	70	95	127	126	92
0193 MODESTO 039	660	260	39.39	147	95	99	143	114	124
0194 MODESTO 040-041	983	335	34.08	176	129	99	206	162	142
0195 MODESTO 042	843	371	44.01	181	167	170	176	184	143
0196 MODESTO 043	561	221	39.39	136	70	70	134	114	88
0197 MODESTO 044	500	193	38.60	85	88	74	97	89	75
0198 MODESTO 045	539	171	31.73	99	58	67	89	80	74
0199 MODESTO 046	733	263	35.88	143	96	79	164	106	128
0200 MODESTO 047	907	391	43.11	210	149	163	193	203	141
0201 MODESTO 050	756	290	38.36	142	122	108	157	119	133
0202 MODESTO 051-082	1057	314	29.71	174	115	103	183	140	134
0203 MODESTO 052	710	280	39.44	160	98	112	140	144	104
0204 MODESTO 055	786	268	34.10	128	118	99	145	135	107
0205 MODESTO 056	735	287	39.05	122	147	119	144	133	121
0206 MODESTO 057	506	175	34.58	92	66	62	99	75	74
0207 MODESTO 058	802	224	27.93	137	62	70	131	119	77
0208 MODESTO 059	903	353	39.09	179	144	124	197	173	136
0209 MODESTO 060	762	299	39.24	154	119	105	169	140	122
0210 MODESTO 066	804	311	38.68	163	108	95	174	153	113
0211 MODESTO 070	976	407	41.70	204	160	168	199	208	141
0212 MODESTO 072	770	237	30.78	150	65	91	125	121	89
0213 MODESTO 076	652	221	33.90	127	77	62	141	112	84
0214 MODESTO 077	681	190	27.90	118	53	61	110	89	75
0215 MODESTO 079-080	912	346	37.94	206	118	115	206	194	122
0216 MODESTO 089	704	264	37.50	132	107	105	135	122	104
0217 MODESTO 091	789	271	34.35	141	109	97	155	126	118
0218 MODESTO 093-108	1049	356	33.94	198	131	151	176	177	141
0219 MODESTO 094	1028	386	37.55	215	141	143	209	182	151
0220 MODESTO 098-109	1140	378	33.16	222	115	138	198	190	126
0221 MODESTO 100	899	319	35.48	169	120	125	162	165	124
0222 MODESTO 102-103	877	281	32.04	152	105	114	145	156	95
0223 MODESTO 110	528	182	34.47	104	61	69	97	70	87
0224 MODESTO 123	124	88	70.97	59	20	25	54	46	27
0225 AV-17	0	164		102	38	61	81	72	63
0226 MODESTO 023	565	142	25.13	66	61	52	73	84	42

124 PRECINCTS	REGISTERED VOTERS	BALLOTS CAST	TURNOUT PERCENTAGE	CITY OF MODESTO MEASURE A YES	CITY OF MODESTO MEASURE A NO	CITY OF MODESTO MEASURE B YES	CITY OF MODESTO MEASURE B NO	CITY OF MODESTO MEASURE C YES	CITY OF MODESTO MEASURE C NO
0227 MODESTO 025	596	137	22.99	65	54	32	88	70	47
0228 MODESTO 026	207	126	60.87	64	31	51	44	60	40
0229 AV-18	0	375		208	124	151	180	197	123
0230 MODESTO 003	984	280	28.46	172	80	112	141	139	104
0231 MODESTO 005	1068	326	30.52	176	106	111	166	153	118
0232 MODESTO 073	958	346	36.12	196	130	134	189	195	124
0233 MODESTO 049	0	0		0	0	0	0	0	0
0234 MODESTO 115	83	20	24.10	11	7	14	5	16	3
0235 MODESTO 124	9	4	44.44	4	0	2	2	2	2
0236 AV-19	0	1504		873	504	602	773	828	511
0237 MODESTO 053	827	271	32.77	154	86	83	154	135	94
0238 MODESTO 071	989	413	41.76	239	128	144	225	227	141
0239 MODESTO 075	881	280	31.78	154	106	101	158	141	95
0240 MODESTO 078	759	304	40.05	175	113	116	172	171	106
0241 MODESTO 083	708	230	32.49	147	63	63	145	122	82
0242 MODESTO 104	732	244	33.33	142	84	104	121	136	80
0243 MODESTO 105	876	291	33.22	159	107	122	142	154	112
0244 MODESTO 118	973	409	42.03	231	141	140	230	237	123
0245 MODESTO 119	318	163	51.26	81	73	65	88	97	49
0246 MODESTO 121	862	311	36.08	184	100	107	179	181	95
0247 MODESTO 122	208	140	67.31	85	45	58	69	65	59
0248 MODESTO 126	499	103	20.64	63	34	34	64	53	44
0249 MODESTO 114	0	0		0	0	0	0	0	0
0250 MODESTO 087	0	0		0	0	0	0	0	0
GRAND TOTALS	82410	46024	55.85	24777	16866	17664	23799	22402	17819

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-648

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS AND REQUESTING THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE NORTH 99/WOODLAND REORGANIZATION TO THE CITY OF MODESTO, LOCATED IN THE AREA NORTH AND SOUTH OF WOODLAND AVENUE BETWEEN 9TH STREET AND HIGHWAY 99. (COUNCIL INITIATED - UNINHABITED).

WHEREAS, the City has received a signed petition from the Modesto Irrigation District to annex its properties on Woodland Avenue between 9th Street and Highway 99; in addition, the former F.M.C. Corporation and Fisher Graphics properties have been included to provide a logical boundary, and

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the ***North 99/Woodland Reorganization*** to the City of Modesto, which is contiguous to the Modesto City limits, and

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and each subject agency, and

WHEREAS, there are no Williamson Act contracts within the annexation area, and

WHEREAS, the territory proposed to be annexed is uninhabited, and a

description of the boundaries of the territory is set forth in Exhibit "A", attached hereto and by this reference incorporated herein, and

WHEREAS, said territory consists of 56.31 acres, as set forth on Exhibit "B", attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the proposed annexation area is covered by the Master Property Tax Sharing Agreement entered into between the City and the County, which was approved by Council Resolution No. 97-185, on April 8, 1997, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit "A" attached hereto, to the City of Modesto.

(b) The detachment of said territory from the *Woodland Avenue Fire Protection District.*

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

WHEREAS, the reasons for this proposed North 99/Woodland Reorganization to the City of Modesto are as follows:

1. Staff has analyzed possible annexation boundaries for this area based on property owner survey and response, and has reviewed the proposal with LAFCO staff. Staff recommends this proposal as a logical first step to annexing the larger unincorporated island which extends from Clayton Avenue to Kansas Avenue.

2. An Initial Study was prepared which found the proposal to be within the scope of the City's General Plan Master EIR.

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

WHEREAS, the Community Development Department Director shall be the chief petitioner,

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

1. That any future development of this site shall be consistent with the Modesto Urban Area General Plan, adopted by the Council of the City of Modesto on August 15, 1995.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit "A", attached hereto, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

3. That the proposed Reorganization is covered by the City's General Plan Master EIR (SCH#92052017), and has received CEQA environmental review through an

Initial Study leading to a Finding of Conformance with the Master EIR, and, therefore, the City suggests that LAFCO, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the certified Final Program EIR in LAFCO's deliberations on this reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the North 99/Woodland Reorganization 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

WRITTEN DESCRIPTION

NORTH 99/WOODLAND
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property being the a portion of Section 19 and Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the intersection of the Northeasterly right of way line of the Southern Pacific Railroad and the Southerly projection of the Centerline of Carver Road, said point being an angle point in the City limits line as described in the Northwest Addition (44) as filed for record on December 10, 1951 at instrument number 28460, Stanislaus County Records; thence along the existing City Limits line the following twenty-five (25) courses:

1. thence South 43°29'30" East, along the Northeasterly right of way line of said Southern Pacific Railroad and the Basis of bearings herein described, a distance of 1553.25 feet, more or less to the beginning point of the Woodland-Barium Annexation as described in the document filed for record on February 28, 1979 at instrument number 54252, Stanislaus County Records;

2. thence North 89°49'30" West, along the centerline of Woodland Avenue and the North line of said Woodland-Barium Annexation, a distance of 812.91 feet;

3. thence South 00°33'30 East, along the west line of said Woodland-Barium Annexation, a distance of 375.54 feet;

4. thence South 89°57'30" East, along the south line of said Woodland-Barium Annexation, a distance of 939.83 feet;

5. thence North 00°42'30" West, along the city limits line as described in said Woodland-Barium annexation, a distance of 62.47 feet;

6. thence North 46°30'30" East, along the city limits line as described in said Woodland-Barium annexation, a distance of 120.00 feet to a point on said Northeasterl Right of way line of the Southern Pacific Railroad and also being a point on the city limits line as described in said Northwest Addition (44);

7. thence South 43°29'30" East, along said Northeasterly Right of way and city limits line as described in said Northwest Addition (44), a distance of 318.56 feet, more or less to the northerly most angle point in the City limits line as described in the Kansas Avenue Addition as described in the document filed for record on July 24, 1978 at instrument number 4617, Stanislaus County Records;

thence along the City limits line as described in said Kansas Avenue Addition the following eighteen (18) courses

8. thence South 47°18'10" West 100.00 feet

9. thence South 00°11'40" East 7.02 feet to a point of curvature, non-tangent to the preceding course, concave westerly, having a radius of 562.22 feet, of which radius bears South 64°03'23" West;

10. thence southerly, along the arc of said curve, through a central angle of 47°37'57", an arc distance of 467.40 feet;

11. thence South 21°41'20" West 135.05 feet to a point of curvature, concave easterly, having a radius of 583.14 feet, of which radius bears South 68°18'40" East;

12. thence southerly, along the arc of said curve, through a central angle of 21°53'00", an arc distance of 222.72 feet;

13. thence South 00°11'40" East 484.27 feet;

14. thence South 07°58'20" West 98.55 feet;

15. thence South 00°11'40" East 20.04 feet;

16. thence North 89°48'20" East 14.07 feet;

17. thence South 00°11'40" East 231.60 feet;

18. thence North 49°22'30" West 142.01 feet;

19. thence North 37°24'39" West 35.78 feet;

20. thence North 00°11'40" West 69.47 feet;

21. thence North 89°47'15" West 89.26 feet to a point of curvature, non-tangent to the preceding course, concave northeasterly, having a radius of 1972.00 feet, of which radius bears North 43°17'09" East;

22. thence Northwesterly, along the arc of said curve, through a central angle of 3°35'21", an arc distance of 123.53 feet;

23. thence North 43°07'30" West 1084.67 feet;

24. thence North 13°46"00" West 81.72 feet to a point on the northeasterly line of Graphics Road (formerly Barium Road);

25. thence South 89°39'17" West 30.00 feet to a point on the centerline of said Graphics Road;

26. thence South 89°39'17" West, leaving said city limits line, a distance of 45.16 feet to a point on the Northeasterly right of way line of State Highway 99;

27. thence North 42°44'29" West, along said Northeasterly line, a distance of 491.38 feet to the southwest corner of that certain 3.046 acre tract of land as shown on the survey filed for record on May 30, 1978 in Book 14 of Surveys, at page 95, Stanislaus County Records;

28. thence South 89°36'16" East, along the south line of said 3.046 acre tract of land, a distance of 16.21 feet to the southeast corner of said tract of land;

29. thence North 00°23'31" West, along the East line of said 3.046 acre tract of land, a distance of 628.88 feet to a point on the South right of way line of Woodland Avenue (30.00 foot half-width);

30. thence North 89°49'30" West, along the South right of way line of said Woodland Avenue, a distance of 267.58 feet, more or less, to a point on the southerly projection of the Easterly line of Lot 3 of the Woodland Avenue Park as shown on the map filed for record on July 15, 1908 in Volume 3 of Maps, at page 46, Stanislaus County Records;

31. thence North 00°19'38" West, along the southerly projection and the east line of said Lot 3, a distance of 1215.78 feet, more or less, to a point on the southeasterly line of Parcel 3 as shown on the Parcel Map filed for record on June 20, 1967 in Book 3 of Parcel Maps, at page 98, Stanislaus County Records;

32. thence North 36°38'29" East, along the Southeasterly line of said Parcel 3, a distance of 132.70 feet to a point on the Southwesterly right of way line of said Southern Pacific Railroad;

33. thence South 43°29'30" East, along said Southwesterly right of way line, a distance of 328.91 feet, more or less to a point which bears South 46°30'30" West 100.00 feet from the Point of Beginning;

34. thence North 46°30'30" East 100.00 feet to the Point of Beginning, and Containing 64.77 acres, more of less.

END DESCRIPTION

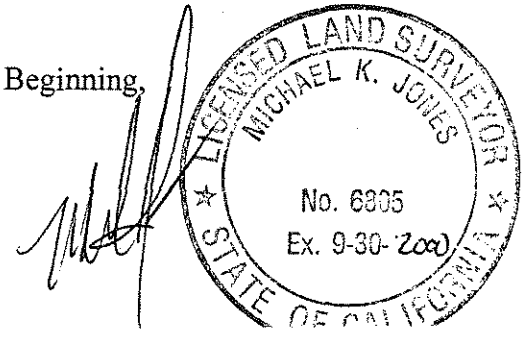
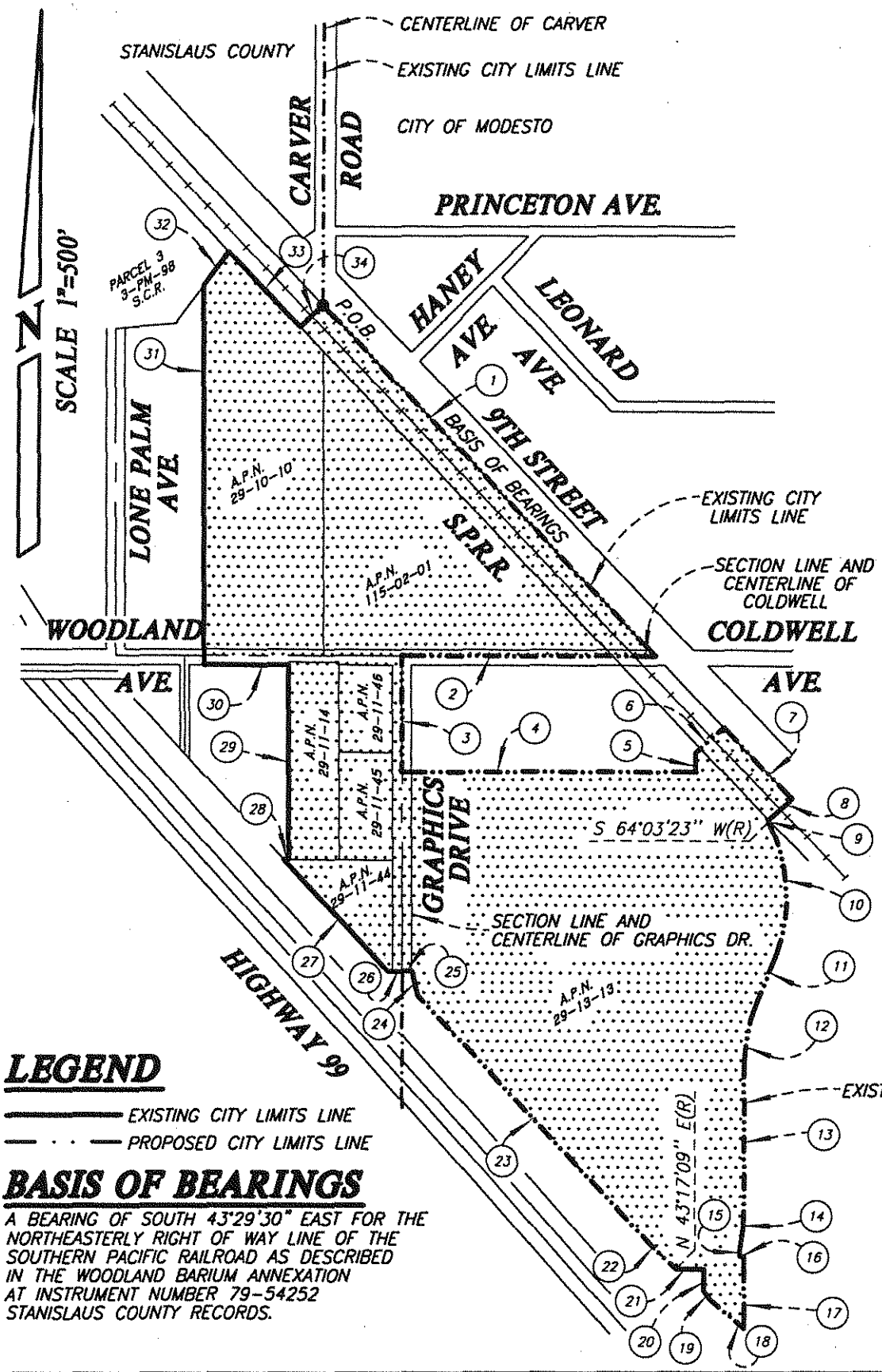


EXHIBIT "B"

ANNEXATION PROPOSAL MAP



LINE TABLE

NUMBER	DIRECTION		DISTANCE
1	S 43°29'30" E		1553.25'
2	N 89°49'30" W		812.91'
3	S 00°33'30" E		375.54'
4	S 89°57'30" E		939.83'
5	N 00°42'30" W		62.47'
6	N 46°30'30" E		120.00'
7	S 43°29'30" E		318.56'
8	S 47°18'10" W		100.00'
9	S 00°11'40" E		7.02'
NUMBER	DELTA	RADIUS	LENGTH
10	47°37'57"	562.22'	467.40
NUMBER	DIRECTION		DISTANCE
11	S 21°41'20" W		135.05'
NUMBER	DELTA	RADIUS	LENGTH
12	21°53'00"	583.14'	222.72'
NUMBER	DIRECTION		DISTANCE
13	S 00°11'40" E		484.27'
14	S 07°58'20" W		98.55'
15	S 00°11'40" E		20.04'
16	N 89°48'20" E		14.07'
17	S 00°11'40" E		231.60'
18	N 49°22'30" W		142.01'
19	N 37°24'39" W		35.78'
20	N 00°11'40" W		69.47'
21	N 89°47'15" W		89.26'
NUMBER	DELTA	RADIUS	LENGTH
22	03°35'21"	1972.00'	123.53'
NUMBER	DIRECTION		DISTANCE
23	N 43°07'30" W		1084.67'
24	N 13°46'00" W		81.72'
25	S 89°39'17" W		30.00'
26	S 89°39'17" W		45.16
27	N 42°44'29" W		491.38'
28	S 89°36'16" E		16.21'
29	N 00°23'31" W		628.88'
30	N 89°49'30" W		267.58'
31	N 00°19'38" W		1215.78'
32	N 36°38'29" E		132.70'
33	S 43°29'30" E		328.91'
34	N 46°30'30" E		100.00'

AREA=64.77± ACRES

LEGEND

EXISTING CITY LIMITS LINE

PROPOSED CITY LIMITS LINE

BASIS OF BEARINGS

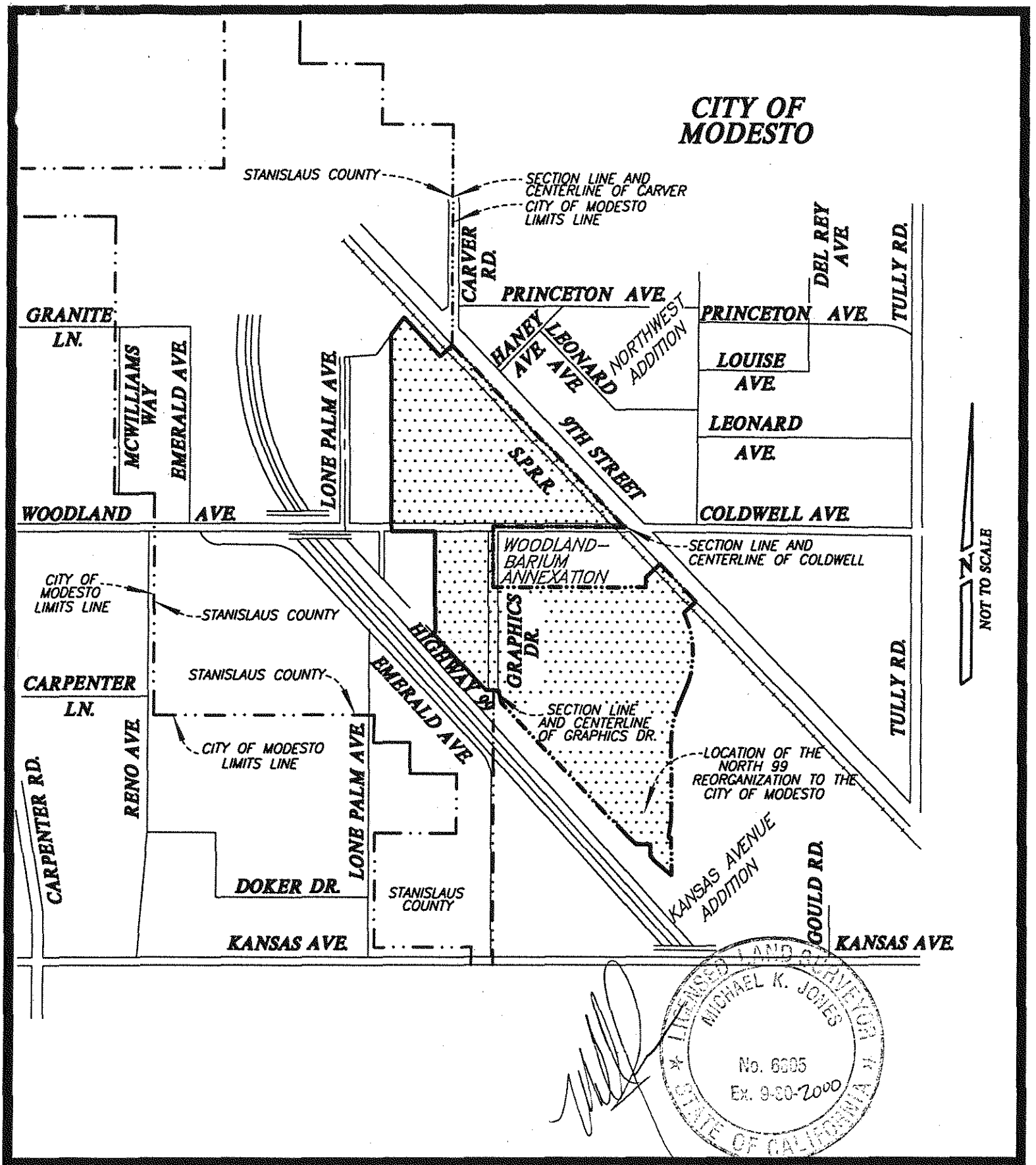
A BEARING OF SOUTH 43°29'30" EAST FOR THE NORTHEASTERLY RIGHT OF WAY LINE OF THE SOUTHERN PACIFIC RAILROAD AS DESCRIBED IN THE WOODLAND BARIUM ANNEXATION AT INSTRUMENT NUMBER 79-54252 STANISLAUS COUNTY RECORDS.

LICENSED LAND SURVEYOR
MICHAEL K. JONES
No. 6805
Ex. 9-30-2000
STATE OF CALIFORNIA

E :	1"=500'
DRAWN BY :	E. SCHMITZ
FILE :	4962ANX1.DWG
DATE :	JAN. 14, 1999

O'Dell Engineering
1101 M St. Suite 1 Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2466

NORTH 99/WOODLAND REORGANIZATION TO THE CITY OF MODESTO



SCALE :	NOT TO SCALE
DRAWN BY :	E. SCHMITZ
FILE :	4962VIC1.DWG
DATE :	JAN 14, 1999

O'Dell Engineering
1101 M St. Suite 1 Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2466

NORTH 99/WOODLAND REOGANIZATION TO THE CITY OF MODESTO

EXHIBIT "C"

NORTH 99/WOODLAND REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the North 99/Woodland Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Woodland Avenue Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 4 located at Blue Gum and Carpenter Roads.

2. **Police Protection** - Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** - Service would be extended upon development of the area, at no cost to the City as existing City fees and property owner financing will be sufficient to cover the cost.

5. **Water Service** - Service would be provided by the City of Modesto upon annexation.

6. **Streets** - Streets maintenance will be provided by the City of Modesto.

B. The Level and range of services:

The City of Modesto is a full-service provider of municipal services and would provide the full range of services for those areas listed above.

C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.

D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.

E. How will services be financed?

Services will be financed through a combination of City fees and Enterprise Fund.

DISTRIBUTION LIST
FOR
RESOLUTION OF APPLICATION TO LAFCO
TO INITIATE ANNEXATION PROCEEDINGS

2- Clerk
1 - Attorney
1 - Initiating Department - CDD - Steve Nish
1 - LAFCO/ certified

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-649

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017) FOR THE MODESTO URBAN AREA GENERAL PLAN: RESOLUTION INITIATING AN APPLICATION TO LAFCO TO TAKE PROCEEDINGS TO ANNEX THE NORTH 99/WOODLAND REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

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

WHEREAS, the Community Development Department, by Initial Study, EA NO. CDD 98-57, reviewed the proposed *North 99/Woodland Reorganization* to the City of Modesto, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

and

WHEREAS, on December 8, 1998, the City Council considered approving a Resolution of Application to LAFCO Initiating Proceedings for the North Mc Henry East Reorganization to the City of Modesto and reviewed said Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered an Initial Study, EA NO. CDD 98-57, prepared by the Community Development Department, for the proposed *North 99/Woodland Reorganization* to the City of Modesto, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, makes the following findings:

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

City of Modesto

Initial Study

NORTH 99 REORGANIZATION

EA NO. CDD 98-57

I. PURPOSE:

The Master Environmental Impact Report for the Modesto urban Area General Plan allows for limited environmental review of this proposed North 99 Reorganization. The Final Master EIR (SCH # 92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION:

A. Project Title:
North 99 Reorganization

B. Lead Agency Name and Address:
City of Modesto, P.O. Box 642 Modesto, CA 95353

C. Contact Person, address and phone number:
Steve Nish, Associate Planner, 801 Eleventh Street, Modesto, CA
(209) 577-5280

D. Project Location:
In the West Modesto Urban Area along the north and south sides of Woodland Avenue between Highway 99 and North 9th Street

E. Project Sponser, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353

F. General Plan Designation:
Redevelopment Area

G. Zoning:
Existing: County Industrial
Prezoning: M-1, Industrial

H. Description of Proposed Project:

Annexation of 7 properties totaling approximately 53.6 acres that includes properties on the north and south sides of Woodland Avenue which are part of an unincorporated County island (see Exhibit A). The area is completely developed with industrial uses including: Modesto Irrigation District (MID) corporation yard (9.14 acres), MID parking lots (4.77 acres), the previous Western Stone Products parcel which is being acquired by the MID for future expansion (9.65 acres), Fisher Graphics parcel (1.52 acres), and the F.M.C. Corporation parcel (31.23 acres). The Fisher Graphics parcel is connected to City water and sewer service. Additional service connections will be provided as necessary following annexation.

I. Surrounding Land Uses:
North: Union Pacific Railroad Tracks, North 9th Street and the developed Modesto Urban Area.
South: Highway 99 & existing industrial uses in the Modesto Urban Area
East: MID turbine power plant and existing industrial uses in Modesto
West: Highway 99 & existing industrial uses in the Modesto Urban Area

J. Other Public agencies whose approval is required:
none

II. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:

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

A. Traffic and Circulation

The existing industrial uses are consistent with the designation shown on the City's General Plan Land Use Diagram. Thus the annexation would result in no new land uses that are not anticipated by the traffic model that analyzed the General Plan. Therefore the proposed annexation is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, therefore, still valid.

B. Degradation of Air Quality

This proposed annexation area of existing industrial urban development within the City's Redevelopment Area is consistent with the City's General Plan. These uses will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-5) are, therefore, still valid.

C. Generation of Noise

Annexation of the North 99 Reorganization area and the subsequent expansion of the MID corporation yard, because they are uses consistent with the General Plan, will not affect an increase in the projected generation of noise for this area. The proposal is located in an existing industrial area between a railroad track and state highway and there is no non-residential development adjacent to the area. Therefore, the project will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. **Loss of Productive Agricultural Land**

The annexation area is in the City's Redevelopment Area and consists of existing industrial parcels which have already been developed. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. **Increased Demand for Water Supplies**

Properties in the annexation area have been connected to the City water system. Additional water connections in this Redevelopment Area would require no additional water supplies beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. **Increased Demand for Sanitary Sewer Services**

Existing and future Industrial uses anticipated for the 53.6-acre annexation area would be consistent with the Redevelopment Area designation in the City's General Plan and will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are, therefore, still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**

The 53.6-acre annexation proposal is for the incorporation of an existing developed area of the General Plan that has been completely developed for many years. There is clearly no impact to sensitive wildlife or any plant habitat beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**

This annexation of existing developed properties will not disturb any archaeological or historic sites because it is approximately three miles north of the potential archaeological resource study area shown in the General Plan MEIR, Figure 8-1. Thus the site will not require additional site specific investigations. The Existing conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. **Drainage, Flooding and Water Quality**

The proposed annexation includes uses that were in place when the 1995 Modesto Urban Area General Plan Update and its environmental analysis, the General Plan Master EIR were adopted. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.

J. **Increased Demand for Storm Drainage**

The reorganization includes a 53.6-acre area that has been almost completely developed and includes some storm drainage infrastructure. Existing development was in the unincorporated County and was under an area-wide storm drainage master plan. Future development/expansion will also be required to meet local standards for storm drainage. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore, still valid.

K. **Increased Demand for Parks and Open Space**

The annexation proposal to incorporate approximately 53.6-acres of developed industrial uses into the City of Modesto would not generate any new population that would use parks or open space facilities. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed

in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

L. **Increased Demand for Schools**

The proposed annexation is to bring into the City a 53.6-acre developed industrial area that consists solely of non-residential uses. Since there will be no students generated, the proposal will not impact the Modesto school system. Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore, still valid.

M. **Increased Demand for Police Services**

Annexation of the 53.6-acre area will result in the transfer of service demand from the Stanislaus County Sheriff Department to the City of Modesto Police Department. However, the area was studied by the General Plan Master EIR and is anticipated to have a less than significant impact on the need for additional police services. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore, still valid.

N. **Increased Demand for Fire Services**

Annexation of the 53.6-acre area of industrial uses will result in the transfer of the fire protection responsibility from the Woodland Avenue Fire Protection District to the City of Modesto Fire Department. However, this area was analyzed by the City's Fire department during the General Plan Master EIR process and has been determined to be a less than significant impact on demand for services. The area can be served by Fire Station No. 4 at Blue Gum and Carpenter approximately 1.5 miles distant, as well as other Modesto Fire stations in the downtown area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

O. Generation of Solid Waste

The annexation area of developed industrial uses is currently provided waste disposal service by the Modesto Disposal Company, who would also continue serving the area following annexation. Since there would only be a minor increase in waste generated from the incremental development proposed, the analysis in the MEIR is still consistent. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore, still valid.

P. **Generation of Hazardous Materials**

Annexation of the 53.6-acre area of existing industrial uses will not result in the generation of additional hazardous materials, because this annexation will not result in additional or different type of development not already identified in the adopted General Plan.

The project area includes the F.M.C. Corporation property which is currently undergoing site remediation due to contamination from a previous on-site Barium processing facility. Pursuant to the California Regional Water Quality Control Board, Central Valley Region, the facility is regulated by Waste Discharge Requirements (WDRs) Order No. 87-108 and Cleanup and Abatement (C&A) Order Nos. 90-721, 93-202 and amendments, and 96-063 for soil and groundwater investigations and remediation in conformance with Title 27 California Code of Regulations. This "clean-up" operation is anticipated to be ongoing for several years. It is anticipated the site will eventually be reused under the Brownfields legislation as part of the City Redevelopment Area.

Because there will be no additional hazardous material generated beyond those identified in the MEIR, the Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore, still valid.

Q. **Landslides and Seismic Activity**

The annexation of the 53.6-acre developed industrial area, because the land is essentially flat, and Uniform Building Code requirements have been addressed, and the nearest earthquake fault line is over 15 miles west of the Modesto Urban Area, will have no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

R. **Energy**

Because existing and proposed uses in the 53.6-acre North 99 Reorganization area are consistent with the Redevelopment Area designation in the General Plan the project is consistent with the analysis in the MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, that development of the urban area would result in a less than significant impact on demands for energy. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore, still valid. Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed North 99 Reorganization of 53.6-acres is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

B. The proposed North 99 Reorganization and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).

D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

E. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: 

MODESTO CITY COUNCIL
RESOLUTION NO. 98-650

Print

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO INITIATING PROCEEDINGS AND REQUESTING THE STANISLAUS COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR THE MORGAN/WHITMORE REORGANIZATION TO THE CITY OF MODESTO, LOCATED AT THE NORTHWEST CORNER OF MORGAN ROAD AND WEST WHITMORE AVENUE. (COUNCIL INITIATED - UNINHABITED).

WHEREAS, the City has received a written request from the sole property owner, Mr. Paul Sasaki, to annex his parcel to the City of Modesto, said parcel is approximately 40-acres of agricultural land, located in the southeast corner of the Modesto General Plan area, surrounded on the east and south by the City of Ceres Sphere of Influence, and north and west by developed industrial uses, General Foods and Kraft Products, said property would be prezoned Industrial, and

WHEREAS, the Council of the City of Modesto desires to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the Morgan/Whitmore Reorganization to the City of Modesto, which is contiguous to the Modesto City limits, and

WHEREAS, this resolution of application by the Council is proposed pursuant to Cortese-Knox Section 56800 which allows the legislative body to adopt such resolution with or without mailed notice to the subject agencies; and in this instance, the sole property owner has requested annexation of the subject property, and

WHEREAS, there are no Williamson Act contracts within the annexation area, and

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

WHEREAS, said territory consists of 40 acres, as set forth on Exhibit "B", attached hereto and by this reference incorporated herein, and

WHEREAS, the territory proposed to be annexed is within the current Sphere of Influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, prior to an annexation application being allowed to be heard by LAFCO, there must first be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the proposed annexation area is covered by the Master Property Tax Sharing Agreement entered into between the City and the County, which was approved by Council Resolution No. 97-185, on April 8, 1997, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said territory, as set forth on Exhibit "A" attached hereto, to the City of Modesto.

(b) The detachment of said territory from the Industrial Fire Protection District.

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

WHEREAS, the reasons for this proposed Morgan/Whitmore Reorganization to the City of Modesto are as follows:

Staff has received a written request from the sole property owner, Mr. Paul Sasaki, to annex his parcel to the City of Modesto, and

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

WHEREAS, the Community Development Department Director shall be the chief petitioner,

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

1. That future development of this site shall be consistent with the Modesto Urban Area General Plan adopted by the Council of the City of Modesto on August 15, 1995.

2. That this Resolution of Application is hereby adopted and approved and LAFCO is hereby requested to initiate proceedings for the reorganization of the territory described in Exhibit "A", attached hereto, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox Local Government Reorganization Act of 1985.

3. That the proposed Reorganization is covered by the City's General Plan Master EIR (SCH#92052017), and has received CEQA environmental review through an

Initial Study leading to a Finding of Conformance with the Master EIR, and, therefore, the City suggests that LAFCO, as a Responsible Agency for the purposes of the California Environmental Quality Act, consider the Initial Study in LAFCO's deliberations on this reorganization application.

BE IT FURTHER RESOLVED by the Council that pursuant to Government Code Section 56802 the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of LAFCO, and that pursuant to Government Code Section 56700, the Council hereby requests that LAFCO proceed with the MORGAN/WHITMORE Reorganization 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

WRITTEN DESCRIPTION

MORGAN-WHITMORE
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property being the Southeast Quarter of the Southeast Quarter of Section 9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the Southeast corner of said Section 9; thence North 89°50'55" West, along the South line of said Section 9, a distance of 1331.91 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 9; thence North 00°29'35" West, along the west line of said Southeast Quarter, and along the East City Limits line and southerly projection, as described in the Modesto Industrial Park Addition to the City of Modesto filed for record on March 10, 1959 at Instrument No. 6807, Stanislaus County Records, a distance of 1318.23 feet to the Northwest corner of said Southeast Quarter, and an angle point in the City Limits line as described in said Modesto Industrial Park Addition; thence South 89°54'01" East, along the North line of said Southeast Quarter, and along said City limits line, a distance of 1327.93 feet to the Northeast corner of said Southeast Quarter; thence South 00°39'55" East, along the East line of said Section 9, a distance of 1319.48 feet to the Point of Beginning and containing 40.26 acres, more or less.

END DESCRIPTION

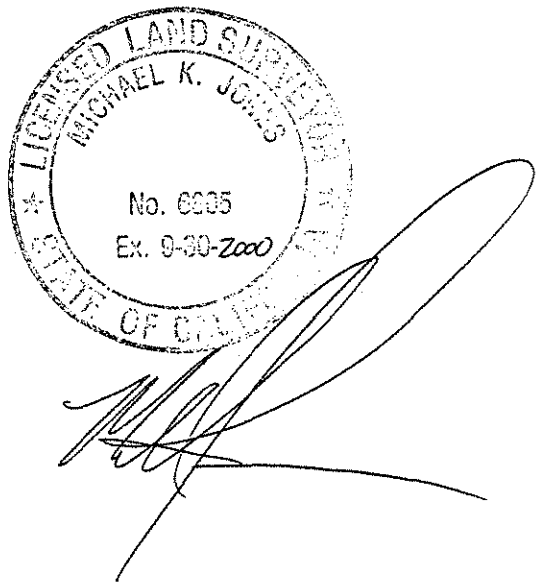
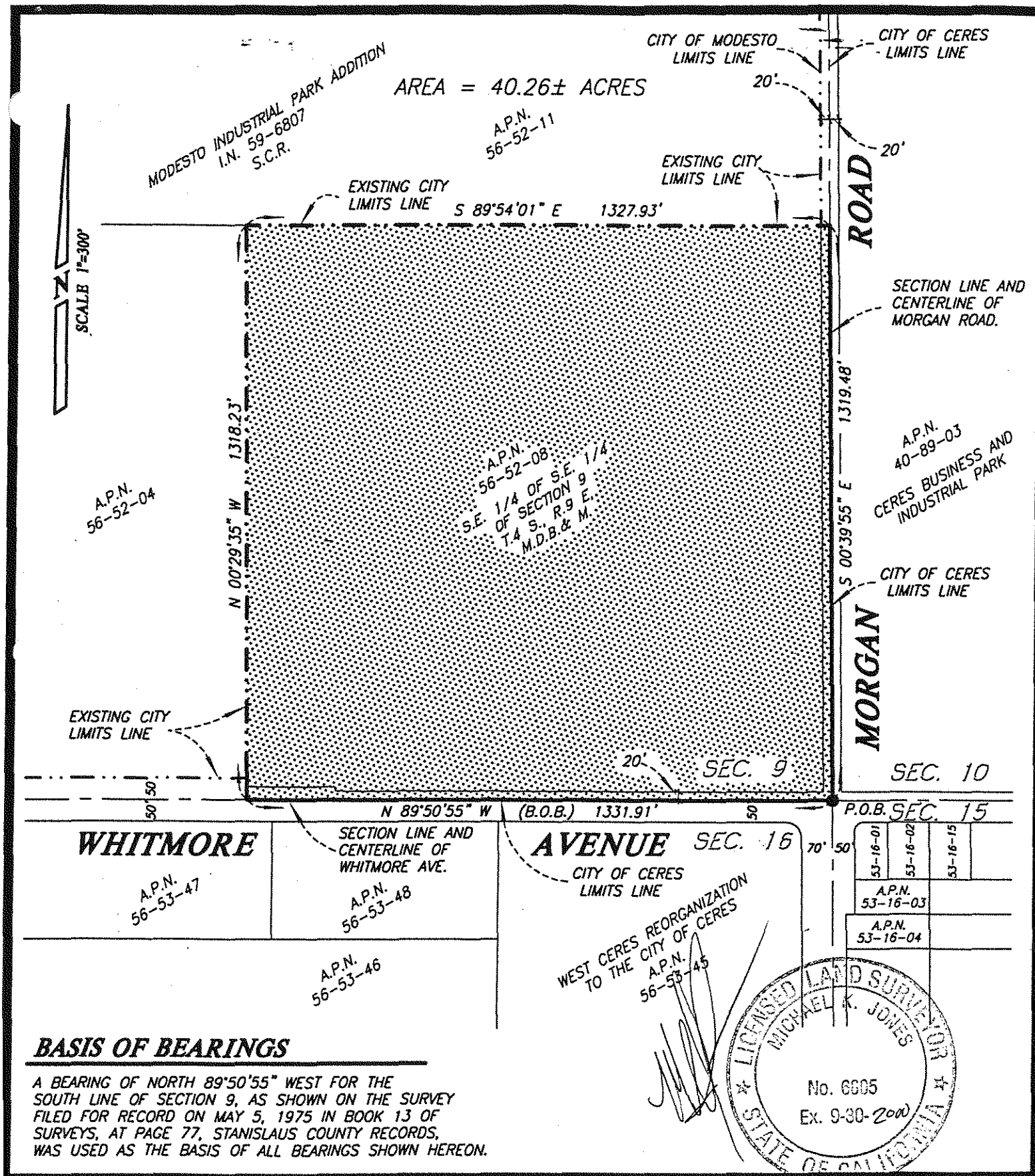


EXHIBIT "B"

ANNEXATION PROPOSAL MAP



BASIS OF BEARINGS

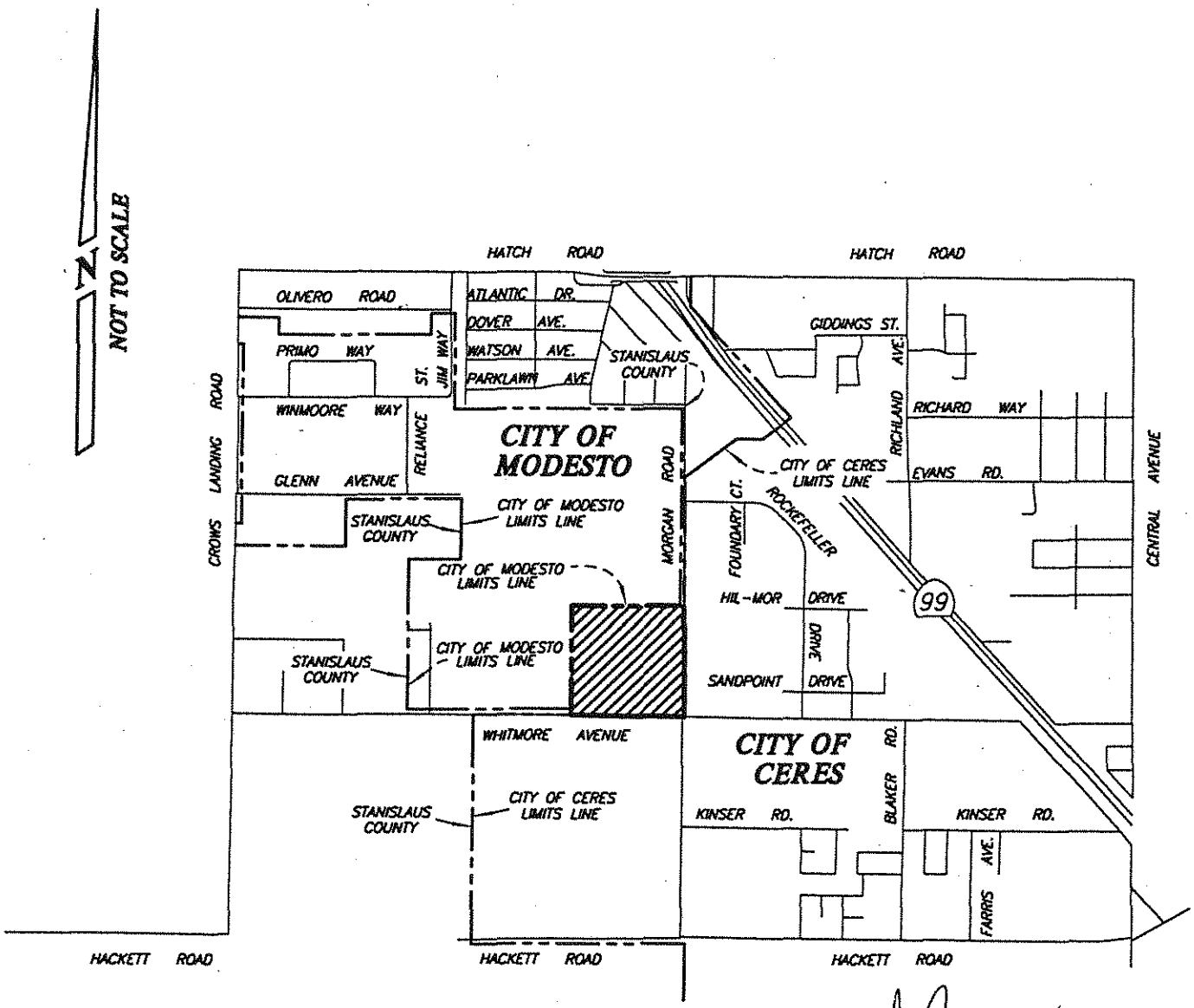
A BEARING OF NORTH 89°50'55" WEST FOR THE SOUTH LINE OF SECTION 9, AS SHOWN ON THE SURVEY FILED FOR RECORD ON MAY 5, 1975 IN BOOK 13 OF SURVEYS, AT PAGE 77, STANISLAUS COUNTY RECORDS, WAS USED AS THE BASIS OF ALL BEARINGS SHOWN HEREON.

E :	1"=300'
DRAWN BY :	M. JONES
FILE :	4961ANX1.DWG
DATE :	DEC. 17, 1998

O'Dell Engineering
1101 M St. Suite 1 Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2466

MORGAN-WHITMORE REORGANIZATION TO THE CITY OF MODESTO

Exhibit "B"



LICENSED LAND SURVEYOR
MICHAEL K. JONES
No. 6835
Ex. 9-30-2000
STATE OF CALIFORNIA

SCALE :	N.T.S.
DRAWN BY :	E. SCHMITZ
FILE :	4961VIC1.DWG
DATE :	DEC. 17, 1998

O'Dell Engineering
1101 M St. Suite 1 Modesto, CA 95354
(209) 571-1765 FAX: (209) 571-2466

MORGAN-WHITMORE REORGANIZATION TO THE CITY OF MODESTO

Exhibit "B"

EXHIBIT "C"

MORGAN/WHITMORE REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the MORGAN/WHITMORE Reorganization:

A. The City of Modesto is a full-service municipal city and would provide the following services:

1. **Fire Protection** - Upon reorganization, the property will be withdrawn from the Industrial Fire Protection District and will be provided by the Modesto Fire Department. Primary response will come from Station No. 10.

2. **Police Protection** - Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. **Garbage and Garden Refuse Pickup** - Weekly pickup would be extended to the area upon effective date of annexation.

4. **Sanitary Sewer Service** - Service would be extended upon development of the area at no cost to the City, as existing City fees and property owner financing will be sufficient to cover the cost.

5. **Water Service** - Service would be provided by the City of Modesto upon annexation.

6. **Streets** - Streets maintenance will be provided by the City of Modesto.

B. The Level and range of services:

The City of Modesto is a full-service provider of municipal services and would provide the full range of services for those areas listed above.

C. When can the services be provided?

The above described services can be provided upon the effective date of annexation.

D. Improvements required as condition of reorganization.

No improvements will be required as a condition of reorganization. Connection to the City of Modesto sewer system will be required five years from when sewer is available per Modesto Municipal Code Section 5-6.18. Improvements would be required as a condition of development.

E. How will services be financed?

Services will be financed through a combination of City fees and Enterprise Fund.

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-651

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MASTER ENVIRONMENTAL IMPACT REPORT (SCH 92052017) FOR THE MODESTO URBAN AREA GENERAL PLAN: RESOLUTION INITIATING AN APPLICATION TO LAFCO TO TAKE PROCEEDINGS TO ANNEX THE MORGAN/WHITMORE REORGANIZATION TO THE CITY OF MODESTO.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH 92052017) for the Modesto Urban Area General Plan, and

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

WHEREAS, the Community Development Department, by Initial Study, EA NO. CDD 98-58, reviewed the proposed *Morgan/Whitmore Reorganization* to the City of Modesto, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR; and, further, that no new or additional mitigation measurers or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,

and

WHEREAS, on December 8, 1998, the City Council considered approving a Resolution of Application to LAFCO Initiating Proceedings for the *Morgan/Whitmore* Reorganization to the City of Modesto and reviewed said Initial Study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered an Initial Study, EA NO. CDD 98-58, prepared by the Community Development Department, for the proposed *Morgan/Whitmore Reorganization* to the City of Modesto, and based on the substantial evidence included in said Initial Study, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, makes the following findings:

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By R Stevens Asst.
MICHAEL D. MILICH, City Attorney

City of Modesto

Initial Study

MORGAN/WHITMORE REORGANIZATION

EA NO. CDD 98-58

I. PURPOSE:

The Master Environmental Impact Report for the Modesto urban Area General Plan allows for limited environmental review of this proposed Morgan/Whitmore Reorganization. The Final Master EIR (SCH # 92052017) was certified by the Modesto City Council on August 15, 1995.

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

II. PROJECT DESCRIPTION:

A. Project Title:
Morgan/Whitmore Reorganization

B. Lead Agency Name and Address:
City of Modesto, P.O. Box 642 Modesto, CA 95353

C. Contact Person, address and phone number:
Steve Nish, Associate Planner, 801 Eleventh Street, Modesto, CA
(209) 577-5280

D. Project Location:
In the South Modesto Urban Area at the northwest corner of Morgan Road and Whitmore Avenue

E. Project Sponser, address and phone number:
City of Modesto, P.O. Box 624, Modesto, CA 95353

F. General Plan Designation:
Industrial

G. Zoning:
Existing: County Industrial
Prezoning: M-2, Industrial

H. Description of Proposed Project:

Annexation of one property totaling approximately 40 acres that is located on the northwest corner of Morgan Road and Whitmore Avenue (see attached map). This property is currently under agricultural use and would be developed as an industrial use which is compatible with the adjacent developed heavy industrial uses (City M-2 zone). Sewer and water service connections will be provided as necessary following annexation.

I. Surrounding Land Uses:
North: Existing heavy industrial uses including land owned by Kraft Foods with a dry cereal processing plant, existing developed residential area in the unincorporated County, and the Union Pacific Railroad and Highway 99.
South: Developing agricultural lands in the Ceres Sphere of Influence
East: Developing agricultural lands in the City of Ceres and Union Pacific Railroad and Highway 99.
West: Existing industrial uses including Kraft Foods and Basic Vegetable, in the City of Modesto and the Tidewater Railroad tracks.

J. Other Public agencies whose approval is required:
none

II. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR:

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

A. Traffic and Circulation

The proposed Morgan/Whitmore industrial area annexation and any subsequent industrial development would be consistent with the designation shown on the City's General Plan Land Use Diagram. Thus the annexation would result in no new land uses that are not anticipated by the traffic model that analyzed the General Plan. Therefore the proposed annexation is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, therefore, still valid.

B. **Degradation of Air Quality**

This proposed annexation area and subsequent industrial development is consistent with the City's General Plan. Subsequent development would be required to incorporate appropriate mitigation pursuant to the MEIR and regional Air District. These uses will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-5) are, therefore, still valid.

C. **Generation of Noise**

Annexation of the Morgan/Whitmore Reorganization area and the subsequent development of industrial uses, because they are uses consistent with the General Plan, will not affect an increase in the projected generation of noise for this area. The proposal is located in an existing industrial area and there is no non-residential development adjacent to the area. Therefore, the project will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. **Loss of Productive Agricultural Land**

The 40-acre annexation area is surrounded by existing industrial development and is located in the City's General Plan Area designated for future industrial development. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.

E. **Increased Demand for Water Supplies**

Properties adjacent to the annexation area have been connected to the City water system. Additional water connections in this industrial area would require no additional water supplies beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. **Increased Demand for Sanitary Sewer Services**

Existing industrial uses adjacent to this parcel are connected to City sewer service. Future industrial uses anticipated for the 40-acre annexation area would be consistent with the industrial designation in the City's General Plan and will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are, therefore, still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**

The 40-acre annexation proposal is for the incorporation of the remaining undeveloped parcel in an existing developed area of the General Plan. This parcel does not contain wildlife habitat and is over 1.0 miles from the Tuolumne River riparian corridor. There is clearly no impact to sensitive wildlife or any plant habitat beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. **Disturbance of Archaeological and Historic Sites**

This annexation of a 40-acre potential industrial site will not disturb any archaeological or historic sites because it is approximately 1.0 miles south of the potential archaeological resource study area shown in the General Plan MEIR, Figure 8-1. Thus the site will not require additional site specific investigations. The Existing conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. **Drainage, Flooding and Water Quality**

The proposed annexation is for designated uses that were in place when the 1995 Modesto Urban Area General Plan Update and its environmental analysis, the General Plan Master EIR were adopted. Therefore, the project will not create any new significant drainage, flooding or water quality impacts that were not addressed in the MEIR. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore, still valid.

J. **Increased Demand for Storm Drainage**

The reorganization includes a 40-acre parcel in an area that has been almost completely developed and includes some storm drainage infrastructure. Existing development was in the unincorporated County and was under an area-wide storm drainage master plan. Future development will also be required to meet local standards for storm drainage. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore, still valid.

K. **Increased Demand for Parks and Open Space**

The annexation proposal to incorporate 40-acres of industrial-designated land would not generate any new population that would use parks or open space facilities. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are, therefore still valid.

L. **Increased Demand for Schools**

The proposed annexation is to bring into the City a 40-acre industrial-designated area that consists solely of non-residential uses. Since there will be no students generated, the proposal will not impact the Modesto school system. Thus Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are, therefore, still valid.

M. **Increased Demand for Police Services**

Annexation of the 40-acre area will result in the transfer of service demand from the Stanislaus County Sheriff Department to the City of Modesto Police Department. However, the area was studied by the General Plan Master EIR and is anticipated to have a less than significant impact on the need for additional police services. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore, still valid.

N. **Increased Demand for Fire Services**

Annexation of the 40-acre Morgan/Whitmore area will not result in the transfer of the fire protection responsibility from one agency to another. The Imperial Avenue Fire Station, located approximately 1.5 miles from the proposal, is currently operated by the City of Modesto under contract from the Industrial Fire Protection District. The area would be served by the Imperial Avenue Fire station. In addition, this area was analyzed by the City's Fire department during the General Plan Master EIR process and has been determined to be a less than significant impact on demand for services. The area can be served by Fire Station No. 4 at Blue Gum and Carpenter approximately 1.5 miles distant, as well as other Modesto Fire stations in the downtown area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are, therefore, still valid.

O. **Generation of Solid Waste**

The annexation area is currently provided waste disposal service by the Bertolloti Disposal Company, who would also continue serving the area following annexation. Since there would only be a minor increase in waste generated from the incremental development proposed, the analysis in the MEIR is still consistent. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore, still valid.

P. **Generation of Hazardous Materials**

Annexation of the 40-acre area of land designated for industrial uses will not result in the generation of additional hazardous materials, because this annexation will not result in additional or different type of development not already designated in the adopted General Plan. Because there will be no additional hazardous material generated beyond those identified in the MEIR, the Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-14) are, therefore, still valid.

Q. **Landslides and Seismic Activity**

Annexation of the 40-acre industrial area, because the land is essentially flat, and Uniform Building Code requirements have been addressed, and the nearest earthquake fault line is over 15 miles west of the Modesto Urban Area, will have no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages IV-17-1 through IV-17-11) are, therefore, still valid.

R. **Energy**

Because existing and proposed uses in the 40-acre Morgan/Whitmore Reorganization area would be consistent with the industrial designation in the General Plan the project is consistent with the analysis in the MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, that development of the urban area would result in a less than significant impact on demands for energy. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are, therefore, still valid. Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed Morgan/Whitmore Reorganization of 40-acres is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017).

B. The proposed Morgan/Whitmore Reorganization and resulting development will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required.

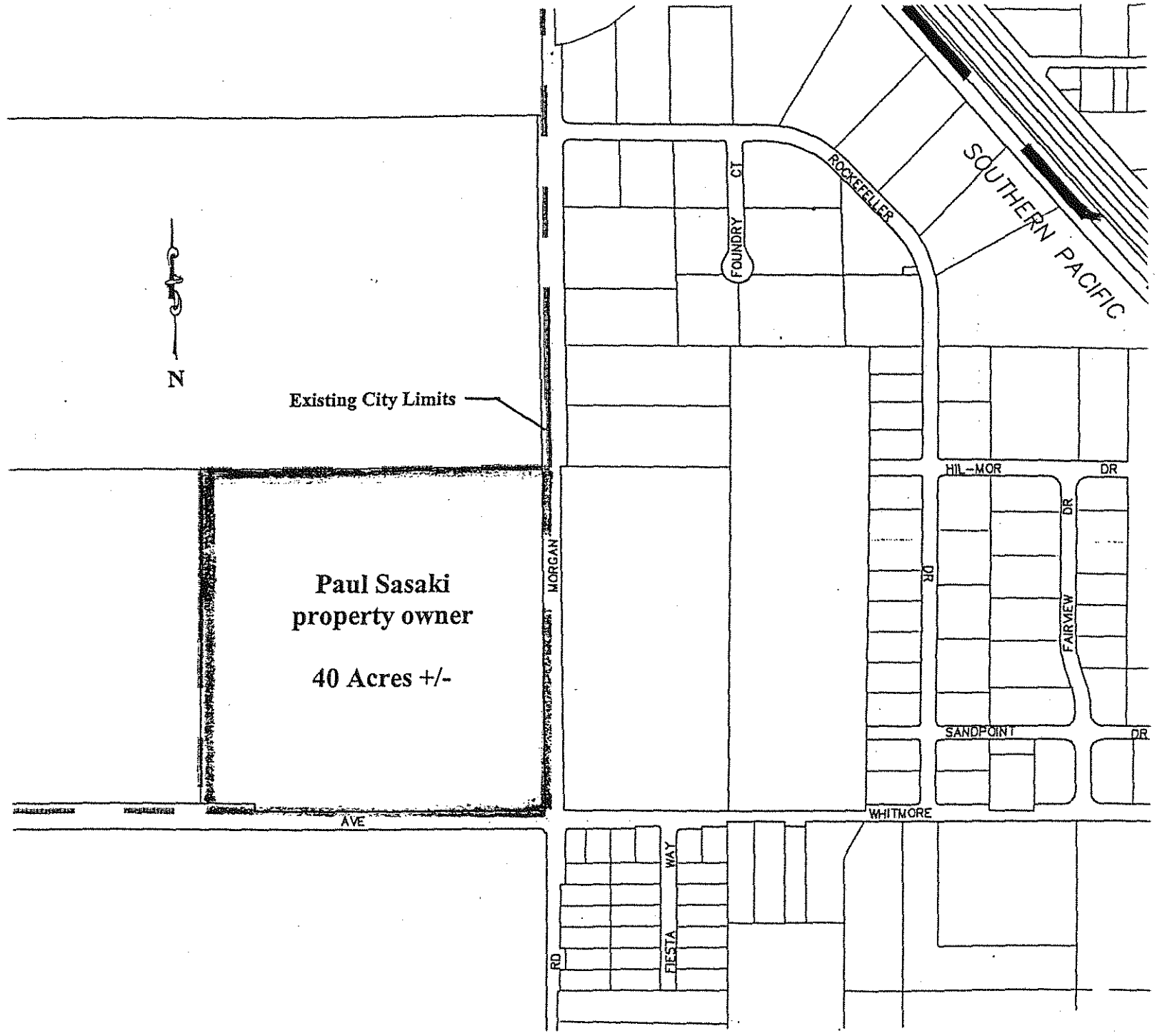
C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).

D. There are no specific features unique to this rezoning that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide including this project as appropriate.

E. This Initial Study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: _____

PROPOSED MORGAN/WHITMORE REORGANIZATION



MODESTO CITY COUNCIL
RESOLUTION NO. 98-652

Print

A RESOLUTION APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR PELANDALE SNYDER/CARVER BANGS STORM DRAINAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the license agreement between the City of Modesto and Modesto Irrigation District for Pelandale Snyder/Carver Bangs Storm Drainage be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-653

Print

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF FORMATION, ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE DISTRICT, AND CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX AND THE ESTABLISHMENT OF THE APPROPRIATIONS LIMIT TO THE QUALIFIED ELECTORS OF THE DISTRICT

WHEREAS, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), proceedings for the establishment of a community facilities district may be instituted by the adoption by the legislative body of a resolution of intention to establish the community facilities district, and

WHEREAS, this Council, as the legislative body of the City of Modesto (the "City"), determines that it is in the best interests of the City that this Council institute proceedings for the establishment of a community facilities district pursuant to Section 53313.5 of the Act in order to finance the construction and/or acquisition of certain public facilities having a useful life of five years or longer (the "Facilities"), more particularly described in Exhibit "A", including expenses incidental thereto, and

WHEREAS, this Council also determines that it is in the best interests of the City that the above-mentioned community facilities district be established pursuant to Section 53313 of the Act in order to pay for certain services (the "Services"), more particularly described in Exhibit "A", and

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

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

WHEREAS, Rodney K. Lowe, Inc., Ronald J. Malik and Kaufman and Broad-Central Valley, Inc., as the owners of at least 10% of the property in the proposed community facilities district, have filed with the City Clerk of the City of Modesto (the "City") a petition, requesting the City Council (the "Council") to form Community Facilities District No. 1998-2 of the City (the "District"), pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act") in order: (I) to finance the construction and acquisition of certain street improvements, storm drainage improvements, landscaping, and bicycle trails, including planning, design and engineering costs and all other expenses incidental thereto (the "Facilities"), which are further described in Exhibit A hereto; and (ii) to finance

certain services (the "Services"), which are described in Exhibit A hereto; and

WHEREAS, the City Council (the "Council") of the City of Modesto (the "City"), did, on November 3, 1998, adopt its Resolution No. 98-582, of intention to establish the District, and levy a special tax therein, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, Resolution No. 98-582 (1) describing the proposed boundaries of the District, the name of the District, and the types of facilities (the "Facilities") and services (the "Services") proposed to be financed by the District, (2) providing that, except where funds are otherwise available to pay for the Facilities, including the incidental expenses thereof, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all nonexempt real property in the District, will be levied annually within the boundaries of the District, (3) specifying the rate, method of apportionment, and manner of collection of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the maximum amount that he or she will have to pay, and (4) setting a hearing thereon, is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the affidavit of publication on file with the City Clerk, and

WHEREAS, this Council on December 8, 1998, held the public hearing as required by law relative to the proposed formation of the District, the levy of the special tax, and

all other matters set forth in Resolution No. 98-582, and

WHEREAS, prior to the hearing a map of the proposed boundaries of the District, entitled "Boundary Map of Community Facilities District No. 1998-2 (Carver-Bangs/Pelandale-Snyder)" was recorded pursuant to Section 3111 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus, in Volume 2 of Maps of Assessment and Community Facilities Districts, at page 97, and

WHEREAS, prior to the hearing a Public Report (the "Report") containing a description of the Facilities and Services required to adequately meet the needs of the District and an estimate of the cost of providing the Facilities and Services, including, to the extent the purchase of completed Facilities or the payment of incidental expenses is proposed, the estimated fair and reasonable cost thereof, was filed with this Council as a part of the record of the hearing and duly considered by this Council, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 98-582, including all interested persons or taxpayers for or against the establishment of the District, the extent of the District, or the furnishing of specific types of Facilities or Services, were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council, at the conclusion of the hearing, was fully advised as to all matters

relating to the formation of the District, the levy of the special tax, and all other matters set forth in Resolution No. 98-582, and

WHEREAS, the Stanislaus County Registrar of Voters has certified there are less than twelve (12) registered voters residing in the District (the Registrar of Voters certified there are seven registered voters residing within the District); accordingly, the qualified electors in the District are the landowners, and

WHEREAS, written protests against the establishment of the District, the furnishing of specified type or types of Facilities and Services within the District as listed in the Report, or the levying of the special tax have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters, or six registered voters, whichever is more, residing within the territory proposed to be included in the District, or the owners of one-half (½) or more of the area of land in the territory proposed to be included in the District and not exempt from this special tax,

NOW THEREFORE, BE IT RESOLVED, that the Council hereby finds and determines as follows:

SECTION 1. The foregoing recitals are true and correct. The document entitled "Policies and Procedures for the Use of Mello-Roos Community Facilities Act of 1982", ["Policies & Procedures"] (a copy of which is on file with the City Clerk), adopted by the Council on September 3, 1996, and as amended from time to time, was adopted by the City Council, pursuant to section 53312.7 of the Act, as the local goals and policies concerning the

use of the Act by this City Council. It is the intention of the City Council that its Policies & Procedures be adhered to to the greatest extent practicable with respect both to the formation and administration of the District, and that such administration be vested in the District Administrator as the governing board of a local agency within the meaning of Section 53317(g) and (h) of the Act, and in accordance with the provisions of the Policies & Procedures as they may be amended from time to time.

SECTION 2. The proposed special tax to be levied in the District has not been precluded by majority protest pursuant to Section 53324 of the Act. All protests to the establishment of the District, the extent thereof, or the furnishing of the Facilities and Services proposed therefor, or the levy of the special tax proposed to be levied in the District, are hereby overruled.

SECTION 3. As proposed in Resolution No. 98-582, a community facilities district is hereby established pursuant to the Act, designated "Community Facilities District No. 1998-2."

SECTION 4.

(a) The Facilities to be financed by the District are set forth in Exhibit A.

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the District as a result of development occurring in the District.

(c) No land within the District is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 5.

(a) The Services to be financed by the District are set forth in Exhibit A attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The proposed Services are governmental services which the City is authorized by law to provide since they are in addition to those provided in the territory of the District before the District was created.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the District as a result of development occurring in the District.

SECTION 6. The Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7.

(a) As stated in Resolution No. 98-582, except where funds are otherwise available, it is the intention of this Council, subject to the approval of the qualified electors of the District, to levy a special tax sufficient to finance the Facilities and Services and to pay any other costs or expenses of the District authorized by the Act, secured by recordation of a continuing lien against all nonexempt real property in the District, and that a maintenance tax shall be levied

annually within the boundaries of the District.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that he or she will have to pay, is described in Exhibit A hereto and by this reference incorporated herein.

(c) There is no ad valorem property tax currently being levied on property within the District for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the District.

(d) Landowners may prepay the component of the special tax used to pay for the Facilities pursuant to the procedures set forth in Exhibit A; no provision has been made for the prepayment of the component of the special tax used to pay for the Services.

(e) It is the intention of the City Council that in the event all of the subject taxes are not approved by the qualified electors of the District at an election to be held subsequent to its approval of this resolution, that then, and in that event, the formation of the District approved herein shall be a nullity, and void from the date this resolution is approved.

SECTION 8. It is the intent of this Council to form, and the Council does hereby form, the District pursuant to all of the foregoing, but subject to automatic ab initio dissolution of the District in all its aspects on December 15, 1998, except in the event that staff confirms to this Council no later than its meeting of December 15, 1998, that they have in hand an executed

property purchase agreement acceptable to them and executed by all of the landowners of the land necessary to construct the two central drainage basins of the District, or that staff is otherwise satisfied that the subject land acquisition by the District is certain.

SECTION 9. The description of the proposed voting procedure, as set forth in Resolution No. 98-582, is incorporated herein by this reference, and shall be the voting procedure to be used in these proceedings.

SECTION 10. Notwithstanding anything in this ordinance or in Exhibit "A' to the Resolution of Formation (Rate, Method, and Manner of Apportionment of Special Tax), to the contrary, persons or entities advancing funds, providing land or constructing or furnishing facilities contemplated in the Public Report may be permitted a direct credit or credits, as appropriate, against the Facilities Special Tax described in Exhibit "A" to the Resolution of Formation. In the case of oversubscription, cash for the amount of the oversubscription may be paid to such provider(s), as cash becomes available to the District through facility tax collection. Oversubscription is the furnishing of land or facilities whose total value as set forth in the Public Report exceeds the total facility taxes attributable to the furnisher(s) entire development within the District. The gross amount of the credit will be the facilities cost estimate in the Public Report, as that report may be amended or adjusted for inflation from time to time, irrespective of the actual cost of the facility to the developer. When determining the net amount of the credit, the facilities cost estimate in the Public Report shall be reduced by any non-prepaid costs or incidental costs as defined in the Act, Section 53317(c) and (e), by means of a cash

administrative cost offset against the above-described gross credits. The administrative offset shall be specified in the final Public Report applicable to the District. The cash offset shall be payable by landowners having such credits at the time they would otherwise be required to pay their facilities taxes. The District also shall be compensated from available tax monies for money and services advanced by it for the acquisition, purchase, modification, expansion, improvement, rehabilitation, maintenance, leasing and/or construction of any or all of the facilities, all in accordance with and subject to the Act (including without limitation, Section 53314.9 of the Act), the Resolution of formation of the District, the Policies and Procedures, the Public Report and other applicable law.

In no event shall reimbursable advances or work-in-kind become either a debt of the City, or a debt in excess of actual facility tax receipts, of the District. All such reimbursement shall only be made or had pursuant to a valid, executed facility/services acquisition agreement in a form approved by the District Administrator. With the approval of the District Administrator, tax credits may be furnished to a landowner to offset taxes otherwise due if the landowner has furnished work-in-kind which has not yet received a notice of completion. Notwithstanding the previous sentence, such discretionary credits shall be fully reimbursable to District in cash in the event that the applicable facilities acquisition agreement is not executed and fulfilled by the provider, or if that provider does not receive a notice of completion from the District Engineer.

Where apportionment is required, as with respect to a total facilities cost stated in the Public Report including two or more subfacilities, or where more than one person or entity participates in the construction or furnishing of a facility, the determination of such apportionment and credit by the District Administrator or their designee shall be conclusive evidence of the amount of the credit derived thereby.

SECTION 11. Where provision of incidental expenses as defined in Section 53317(e) are included in the Public Report, and these expenses are in the form of work-in-kind provided by an applicant, such expense may be included in the tax base of the District where the following conditions are met:

(a) A reasonable estimate of the work-in-kind to be reimbursed through tax credits is included in the tax base in the public report.

(b) The District Administrator enters into an agreement with the applicant furnishing such work-in-kind to reimburse it to the applicant solely through available tax credits after first having examined and approved suitable documentation supporting the claim for reimbursement of work-in-kind.

(c) Any such reimbursement is calculated by the District Administrator without interest thereon.

(d) The special tax proposed to be levied in the District is approved by the qualified electors of the District in accordance with the Act.

(e) The District Administrator finds that the work-in-kind was performed as if it had been performed under the direction and supervision, or under the authority of the District Administrator.

SECTION 12. The office of the District Administrator is hereby designated as the office, department or bureau which will be responsible for annually preparing the current roll of special tax levy obligations by assessor's parcel number on nonexempt property within the District and which will be responsible for estimating future special tax levies. The name, address, and telephone number of the office of the Director Administrator, and the person responsible for administering the District, is as follows:

District Administrator
Modesto City Attorney's Office
City Hall
801 - 11th Street / P.O. Box 642
Modesto, California 95353
(209) 577-5284

Such officer is hereby directed to establish procedures to promptly respond to inquiries concerning current and future estimated tax liability pursuant to Section 53340.2 of the Act.

SECTION 13. The District Administrator will be responsible for providing the proposed Facilities and Services to be financed by the District. The District Administrator has caused to be prepared and filed with the Council a Public Report containing:

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

(b) an estimate of the cost of providing the Facilities;

(c) an estimate of the fair and reasonable cost of any of the Facilities to be purchased;

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

(e) an estimate of the cost of providing the Services; and

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

The report shall be made a part of the record herein.

SECTION 14.

(a) The Council having adopted this Resolution of Formation establishing the District and submitting the levy of the special tax to the qualified electors of the District in a special election, such election shall be held at least ninety (90) days, but not more than one hundred eighty (180) days following the adoption of the resolution of formation. The City Clerk as the designated election official shall, within three (3) business days after the adoption of the resolution of formation, obtain a certified copy thereof, a certified map or sufficient scale and clarity to show the boundaries of the district, and a sufficient description to allow her to determine the boundaries of the District, and the assessor's parcel numbers for the land within the

District.

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

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

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

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

(f) Ballots for the special election authorized may be distributed to qualified electors by mail with return postage prepaid or by personal service by the election official. The City Clerk may certify the proper mailing of ballots by an affidavit, which shall constitute conclusive proof of mailing in the absence of fraud. The voted ballots shall be returned to the

City Clerk not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.

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

(h) If the election is to be conducted by mail ballot, the City Clerk shall provide ballots and election materials, together with all supplies and instructions necessary for the use and return of the ballot. The identification envelope for return of mail ballots used in landowner elections shall contain the following: (1) the name of the landowner; (2) the address of the landowner; (3) a declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the landowner entitled to vote and is the person whose name appears on the identification envelope; (4) the printed name and signature of the voter; (5) the address of the voter; (6) the date of signing and the place of execution of the declaration described in (3) above; and (7) a notice that the envelope contains the official ballot and is to be opened only by the canvassing board.

(I) The procedures set forth in this Section 16 for conducting the consolidated special election may be modified as the Council may determine to be necessary or desirable by a resolution subsequently adopted by the Council.

SECTION 15. Upon a determination by this Council, after the canvass of the returns of the election contemplated in Sections 13 and 14 hereof, that at least two-thirds (2/3) of the votes cast upon the question of levying the special tax were in favor thereof, the City Clerk shall record the notice of special tax lien provided for in Section 3114.5 of the California Streets and Highways Code. Upon recordation of the notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the District, and this lien shall continue in force and effect until collection of the tax by this Council ceases.

SECTION 16. All prior proceedings taken with respect to the establishment of the District were valid and in conformity with the requirements of the Act.

SECTION 17. In accordance with Section 53325.7 of the Act, the annual appropriations limit of the District, as defined by subdivision (h) of Section 8 of Article XIIIB of the California Constitution, is hereby preliminarily established at $1,000,000.00 and such annual appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing the appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable

provisions of Section 53325.7 of the Act.

SECTION 18.

(a) This Council hereby calls a special election and submits the question of levying the special tax, and the establishment of the annual appropriations limit for the District in connection therewith, to the qualified electors within the District, in accordance with and subject to the Act, the terms of which shall, unless waived as herein provided, be applicable to such election. The propositions shall be combined in a single ballot measure, substantially in the form set forth in Exhibit B hereto and by this reference incorporated herein.

(b) Fewer than twelve (12) persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the hearing referenced herein. Accordingly, for the purposes of these proceedings, the qualified electors shall be the landowners within the District; the vote shall be by the landowners or their authorized representatives; each having one vote for each acre or portion thereof that such landowner owns in the District as of the close of the hearing; and the ballots for the special election shall be distributed by mail with return postage prepaid or by personal service to each such landowner; all as provided in Section 53326 of the Act.

(c) The Council hereby designates the City Clerk and the City Clerk hereby agrees to serve as the election official to conduct the election. The Stanislaus County Registrar of Voters has concurred in the City's designation of its City Clerk as the election official. The shortening of the election as herein provided is hereby concurred in by the City Clerk.

(d) If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the election by all of the owners of land included in the District (collectively, the "Landowners") on or before the 15th day of December, 1998, the election shall be held on the 15th day of December, 1998, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots from all Landowners. Otherwise, the election shall be held on the first Tuesday after that date which is 90 days after the date this Resolution is adopted.

(e) Unless waived with the consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis and arguments and rebuttals, if any, as provided in Section 53327(b) of the Act. The election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws.

(f) The publication of this Resolution as notice of the special election is hereby waived provided the City Clerk shall receive consent to such waiver from the landowners.

SECTION 19. This Council hereby further directs that at the election at which the question of levying the special tax and the establishment of an appropriations limit in connection therewith is submitted to the qualified electors within the District the question of levying the special tax shall be combined in one ballot proposition with the question of establishing an appropriations limit for the District, all as provided by the Act. In addition, the giving of statutory notice of the election is waived if the City Clerk shall receive unanimous consent to

such waiver from the Landowners.

SECTION 20. If two-thirds (2/3) of the votes cast upon the question of levying the special tax are cast in favor of levying the tax, as determined by this Council after the canvass of the returns of such consolidated election, this Council may levy the special tax within the territory of the District in the amount and for the purposes as specified in this Resolution. The special tax may be levied only at the rate and may be apportioned only in the manner specified in this Resolution, subject to the Act, except that the special tax may be levied at a lower rate.

SECTION 21. The City Clerk, as the designated election official, shall, within three business days after its adoption, obtain a certified copy of this Resolution; the City Clerk has previously been provided with a map of the boundaries of the District, a sufficient description from which to determine the boundaries of the District, and the assessor's parcel numbers for the land within the District.

SECTION 22. The Council hereby determines that the formation of the proposed District is categorically exempt from the provisions of C.E.Q.A. pursuant to Section 15320 of the C.E.Q.A. guidelines. The Council further determines that the environmental impacts of provision of the facilities has been adequately addressed by EIRs (SCH Nos. 94082005 and SCH No. 93042004) adopted by this Council on April 1, 1997, and on January 16, 1996, respectively, and that these EIRs were prepared pursuant to Section 21157.5 of CEQA and find that although the projects could have a significant effect on the environment, there would not be a significant effect because appropriate mitigation measures have been added to the projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs, Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

CFD PUBLIC REPORT

November 25, 1998

Prepared For:

CITY OF MODESTO

Prepared By:

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

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I. BACKGROUND

Community Facilities District (CFD) No. 1998-2 is being formed to provide a funding and reimbursement mechanism for public facilities and services required to serve the Carver-Bangs and Pelandale-Snyder Specific Plans in the City of Modesto. Portions of both Specific Plan areas are included within the initial boundaries of the CFD, and the remainder of the property within both Plan areas is expected to annex into the CFD at a later date.

As a condition of development of the Specific Plan areas, the developers are required to install various public improvements which will serve the increased population generated from the projects. Many of these improvements must be provided in the early stages of development and, therefore, the first developers to build within the projects must install the improvements and receive fee credits or reimbursements in exchange for the facilities. CFD No. 1998-2 is the vehicle that will be used to ensure that all landowners in the Specific Plans pay their fair share of the public improvements. In addition, the CFD will generate funding for ongoing maintenance of landscaping and open space within the project areas.

Following is a brief description of both projects:

A. Carver-Bangs Specific Plan

On April 1, 1997, the City Council of the City of Modesto approved Resolution No. 97-161, thereby adopting the Carver-Bangs Specific Plan. The Specific Plan was subsequently amended by City Council Resolution 97-633. Carver-Bangs is a proposed 160-acre project bounded on the east by Carver Road, on the North by Bangs Avenue, on the south by the Pelandale-Snyder Specific Plan (discussed further below), and on the west by the Kiernan Business Park area. The Carver-Bangs Specific Plan will be developed under the City's Village Residential guidelines, which will yield approximately 800 single family residential units.

B. Pelandale-Snyder Specific Plan

The Pelandale-Snyder Specific Plan was approved by the City Council on January 16, 1996 by the adoption of Resolution No. 95-16, and was subsequently amended by City Council Resolutions 97-136 and 97-139. The Specific Plan area is bounded by Dale Road on the west, the extension of Pelandale Road on the north, Union Pacific Railroad on the east, and the Modesto Irrigation District canal and Snyder Avenue on the South. Approximately 227 acres of the project are designated Single Family Residential (SFR), and 57 acres are designated Multi-Family Residential; in total, 2,613 residential dwelling units are expected at buildout of the Specific Plan. In addition, 36 acres of the Specific Plan area will be used for an elementary school site, a City park, and a church.

II. STRUCTURE OF COMMUNITY FACILITIES DISTRICT NO. 1998-2

A. Introduction

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

The Resolution of Intention to Establish CFD No. 1998-2 (Resolution No. 98-582) was adopted by the City Council on November 3, 1998. After a public hearing and a successful election by landowners within the CFD, the CFD will be formed and the levy of a special tax will be authorized.

B. Boundaries of CFD 1998-2

As mentioned above, the initial boundaries of the CFD include portions of both the Carver-Bangs and Pelandale-Snyder Specific Plans. Additional property is expected to annex into the CFD in future years as development in the area expands. It is anticipated that property subsequently annexed into the CFD will be subject to the same special tax formula as property in the CFD from the start, with a maximum Facilities Special Tax (discussed further below) assigned to the property when it is annexed. Property in the Carver-Bangs Specific Plan is included within Tax Area A of the CFD, and parcels in Pelandale-Snyder make up Tax Area B of the CFD. A separate maximum tax has been calculated for each tax area, as discussed further in Section C below.

The boundaries of the CFD are shown on a boundary map that was approved by the City Council and recorded in Volume 3, page 5 of the Book of Maps of Assessment Districts and Community Facilities Districts in the Stanislaus County Recorder's Office. A copy of the CFD boundary map is provided as Appendix A of this CFD Public Report.

C. CFD Special Tax Structure

1. Facilities Special Tax

Each year, special taxes will be levied and collected from parcels within the CFD to pay costs associated with storm drainage and road improvements, as well as maintenance of these improvements (authorized facilities and maintenance costs are discussed in more detail below). The Rate and Method of Apportionment of Special Tax and Reimbursements ("RMA"), which describes in detail how the tax will be allocated among properties in the CFD, is included as Appendix B of this report.

As explained in Sections D and E of the RMA, two different special taxes will be levied within the CFD. First, a "Facilities Special Tax" will be levied to pay for capital improvements and appurtenant expenses, such as design, planning, engineering and inspection. The entire Facilities Special Tax will be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction on a parcel within the CFD. Because each Specific Plan area is responsible for only the facilities required to serve that area, separate "tax areas" were established within the CFD to avoid any crossover of responsibility for the funding of required infrastructure. A separate Facilities Special Tax has been determined for each assessor's parcel that was included within each tax area at the time CFD No. 1998-2 was formed; Attachment 2 of Appendix B identifies the maximum Facilities Special Tax assigned to each parcel.

Section C.1 of the RMA (Appendix B) explains how the Facilities Special Tax obligation assigned to each original assessor's parcel will be reallocated when subdivision occurs. Regardless of changes in land use in future years, the maximum Facilities Special Tax revenues that can be collected from property in the CFD will never be reduced. In January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each assessor's parcel will be increased by four percent of the amount in effect in the prior year.

Section D of Appendix B sets forth a credit/reimbursement program which allows developers who have constructed and dedicated public improvements to take credits against the Facilities Special Taxes that would otherwise be paid until such credits equal the cost set forth in Appendix C of this CFD Public Report for the public improvements provided by the developer. Regardless of the actual cost incurred by the developer for construction of the public improvement(s), credits against the Facilities Special Tax can be taken until the amount credited is equal to the facility cost shown in Appendix C for that improvement(s). If the developer's project is built out and a balance remains to be credited, the developer will instead receive a cash reimbursement from Facilities Special Taxes collected from other property owners in the CFD until the combined amount of fee credits and cash reimbursements is equal to the cost of the public improvement(s) as shown in Appendix C of this report. All costs and reimbursements are subject to a four percent increase in January 2002 and each January thereafter.

Facility Special Tax credits and reimbursements will be applied based on a specified order of priority, which is identified in Attachment 1 of Appendix B. Until all facilities of a higher priority have been fully funded, a developer who builds an improvement that is of a lower priority will not receive fee credits or reimbursements. The order of priority is specific to each tax area, which means facilities of a lower priority may be funded in one tax area even if the higher priority facilities in the other tax area have not yet been fully funded. Appendix B provides a more detailed description of the credit/reimbursement program.

2. Maintenance Special Tax

The second special tax that can be levied in the CFD is the "Maintenance Special Tax", which will be collected to pay costs associated with maintaining parkways and open space in both Specific Plan areas. Again, a separate maximum Maintenance Special Tax has been determined for Tax Area A and Tax Area B, as shown in the following table:

CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) FISCAL YEAR 1998-99 MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX*		
Land Use Type	***Tax Area A (Carver-Bangs)***	***Tax Area B (Pelandale-Snyder)***
Single Family	$118 per unit	$92 per unit
Multi-Family	$945 per Acre	$733 per Acre
Non-Residential	$945 per Acre	$733 per Acre
* Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by 4% of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.		

The Maintenance Special Tax will be collected each fiscal year on the property tax bills of all parcels in the CFD that have had a final building permit inspection conducted or a certificate of occupancy issued prior to June 1 of the preceding fiscal year.

III. FACILITIES AND SERVICES TO BE FUNDED BY CFD NO. 1998-2

The facilities and services described below are all facilities which the City of Modesto is authorized to finance and which are required to adequately meet the needs of CFD No. 1998-2. The special taxes required to pay for these facilities and services will be apportioned according to the "Rate and Method of Apportionment of Special Tax" included as Appendix B of this report.

Capital Improvements

A. Carver-Bangs (Tax Area A)

Following is a summary of the capital improvements to be funded through CFD No. 1998-2 to serve the Carver-Bangs Specific Plan. A detailed breakdown of facility components and the corresponding cost estimates is provided in Appendix C of this report.

Storm Drainage Improvements	$1,494,750
Prescott Road	145,422
American Avenue	24,033
Bangs Avenue	254,305
Carver Road	57,270
American Avenue Canal Overcrossing	295,066
Class I Bike Trail	142,500
CFD Formation Costs	67,500
Total Capital Improvement Costs	**$2,480,847**

B. Pelandale-Snyder (Tax Area B)

Storm Drainage Improvements	$4,389,042
Dale Road	531,075
Prescott Road	628,297
Tully Road	1,011,016
Snyder Avenue	52,743
Class I Bike Trail	752,675
CFD Formation Costs	67,500
Total Capital Improvement Costs	**$7,432,348**

Annual Maintenance Costs

A. Carver-Bangs

Item	Quantity	Unit	Unit Cost	Total Cost
Bangs Avenue (South Side)				
8' Landscape Strip (4,680 LF x 8' = 37,400 SF)	37,400	SF	$0.72	$26,957
American Avenue (East Side)				
8' Landscape Strip (1,200 LF x 8' =9,600 SF)	9,600	SF	$0.72	$6,912
Prescott Road 16' Center Median	10,500	SF	$0.72	$7,740
Prescott Road Treewell and Vine Blockouts with 10' Sidewalk and Masonry Wall (56 Each 5' x 5' Treewalls + 56 each 3' x 10' vine blockouts)	3,080	SF	$0.72	$2,218
Class I Bike Trail	1,308	SF	$0.72	$942
Pelandale Avenue (North Side) Landscape Strip	1,996	SF	$0.72	$1,437
Carver Road (West Side) (1, 194 L.F. x 8' = 9,552 S.F.)	9,552	SF	$0.72	$6,877
Total Annual Maintenance Costs				**$53,083**

B. Pelandale-Snyder

Item	Quantity	Unit Unit	Total Cost	Cost
Dale Road (East Side), 12' Wide Landscape Strip (1,255 LF x 12' = 14,700 SF)	14,700	SF	$0.72	$10,584
Prescott Road (East Side), 12' Wide Landscape Strip (1,225 LF x 12' = 14,700 SF)	14,700	SF	$0.72	$10,584
Prescott Road 16' Center Median	10,750	SF	$0.72	$7,740
Tully Road (Both Sides), 12' Wide Landscape Strip (2,650 LF x 12' = 21,800 SF)	31,800	SF	$0.72	$22,896
Tully Road 16' Center Median	10,750	SF	$0.72	$7,740
Class I Bike Trail	8,820	SF	$0.72	$6,350
Pelandale Avenue (South Side)	10,400	SF	$0.72	$7,488
Carver West Side Back-up Lots South of Pelandale Avenue (515 L.F. x 5' = 2,575)	2,575	SF	$0.72	$1,854
Landscaping Surrounding Storm Drain Basins	35,000	SF	$0.72	$25,200
Total Annual Maintenance Costs				**$100,436**

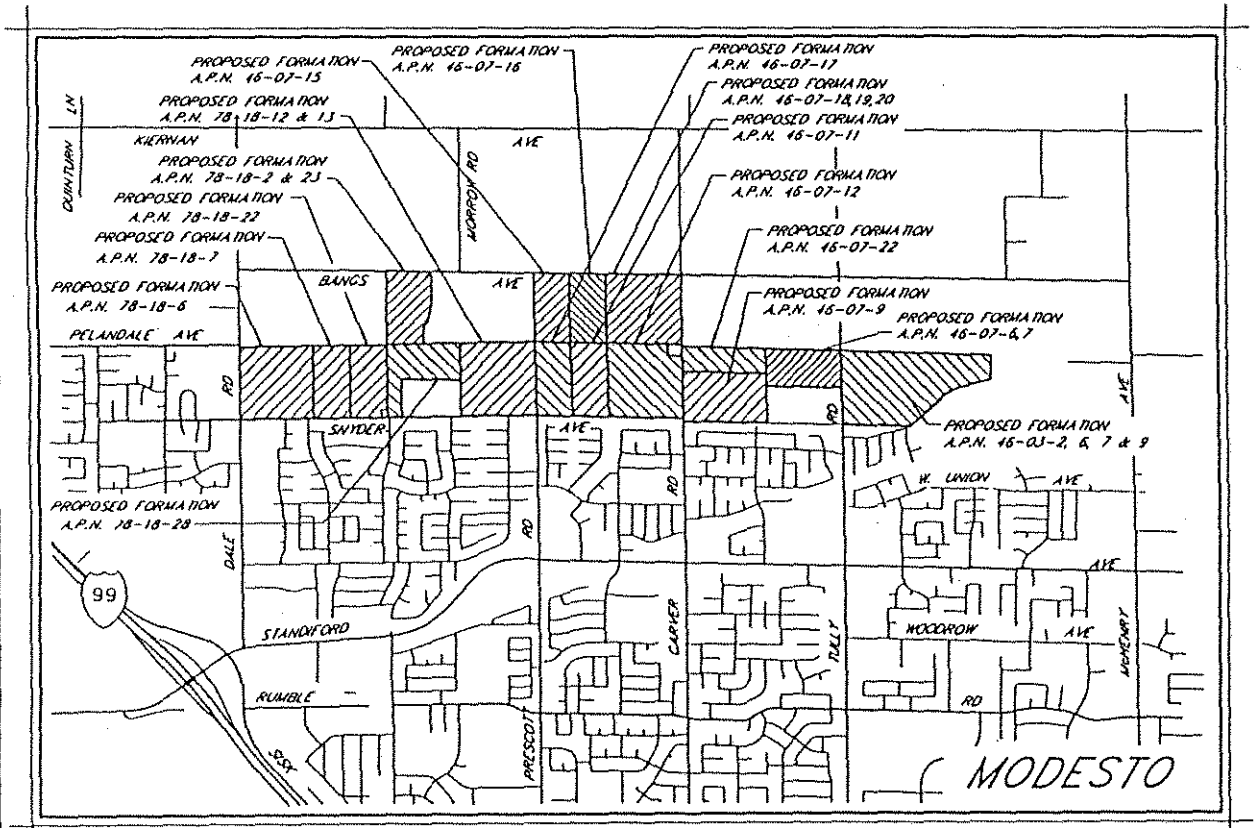
The description of facilities and services, as set forth herein, is general in nature. The final nature and location of improvements will be determined upon the preparation of final plans and specifications.

APPENDIX A

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

BOUNDARY MAP

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA



CFD 1998-2 FORMATION MAP

NO SCALE

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10-337/CFD/CFD1.DWG

BASIS OF BEARINGS :
THE BEARING OF SOUTH 89°17'39" WEST ALONG THE LINE BETWEEN CPS MONUMENTS 3723 AND 3721 AS SHOWN IN BOOK 32 OF SURVEYS AT PAGE 51, STANISLAUS COUNTY RECORDS, WAS USED AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

NOTE :
THE DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCES BY THE GRID FACTOR (.9999303534) TO OBTAIN GRID DISTANCES.

SURVEYOR'S STATEMENT :

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS BASED ON INFORMATION OF RECORD AS NOTED ON THE MAP. I HEREBY STATE THAT THE MAP SUBSTANTIALLY CONFORMS TO THE REQUIREMENTS FOR A COMMUNITY FACILITIES DISTRICT MAP AS PRESCRIBED IN DIVISION 4.5 OF THE STREETS AND HIGHWAYS CODE.

DATED THIS ___ DAY OF _____, 1998

_____
ROY A. GALLI, R.C.E. 16024

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF MODESTO THIS ___ DAY OF _____, 1998.

_____
JEAN ZAHR, CITY CLERK

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2, (CARVER-BANGS/PELANDALE-SNYDER), CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF MODESTO, AT A MEETING THEREOF, HELD ON THE ___ DAY OF ____, 1998, BY ITS RESOLUTION NO. _____

_____
JEAN ZAHR, CITY CLERK

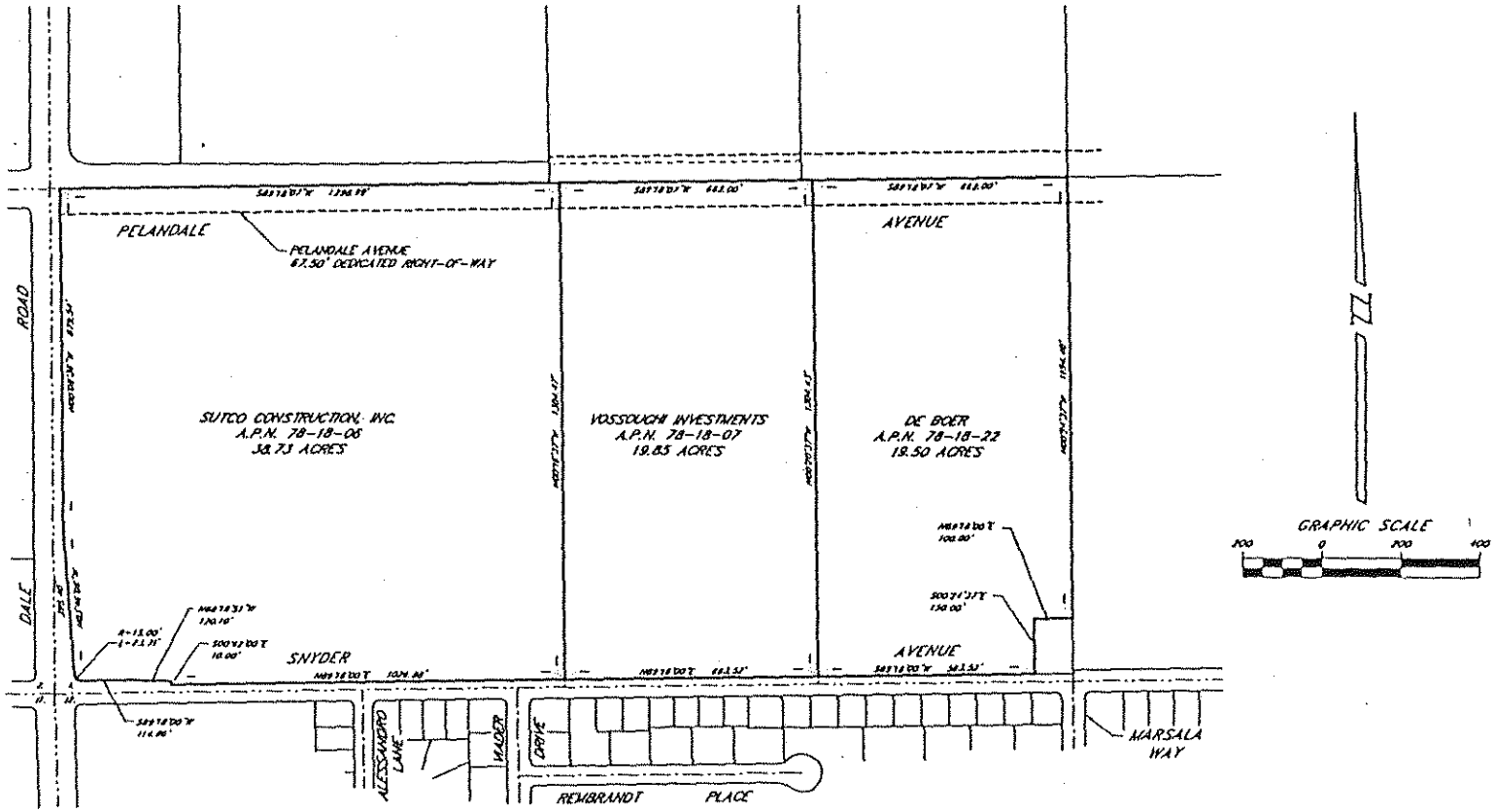
RECORDER'S STATEMENT :

FILED THIS ___ DAY OF _____, 1998, AT THE HOUR OF _____ O'CLOCK ___ M., UNDER RECORDER'S INSTRUMENT NO. _____, IN BOOK ____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, AT PAGE ____, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

KAREN MATHEWS, COUNTY RECORDER
OF THE COUNTY OF STANISLAUS,
STATE OF CALIFORNIA

BY: _____
DEPUTY

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA

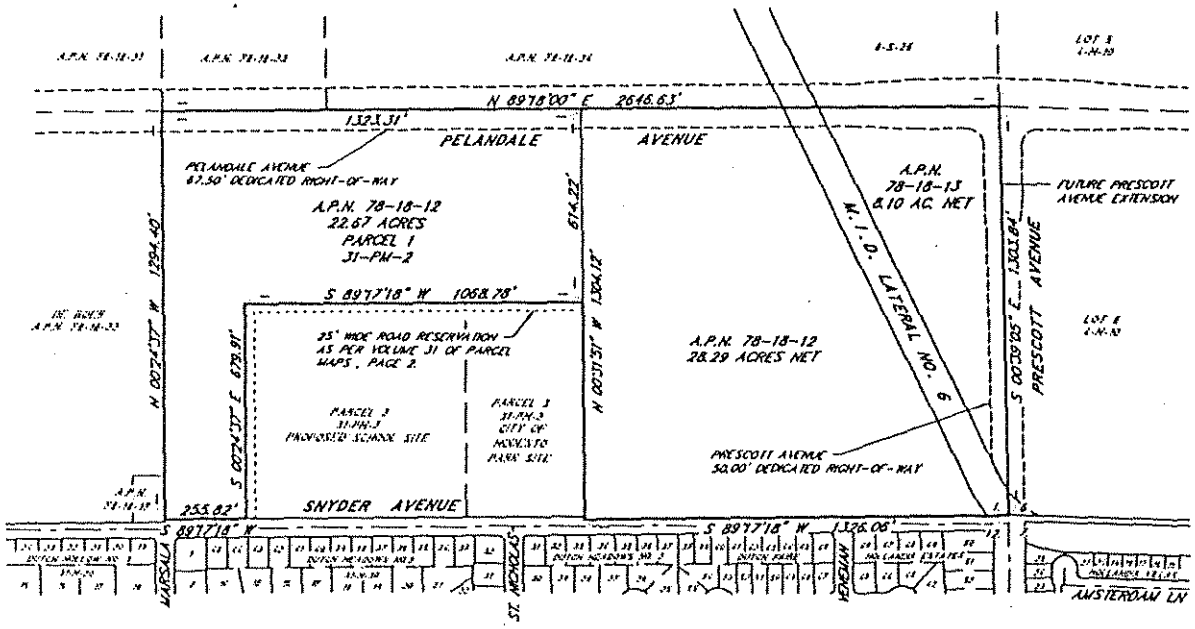


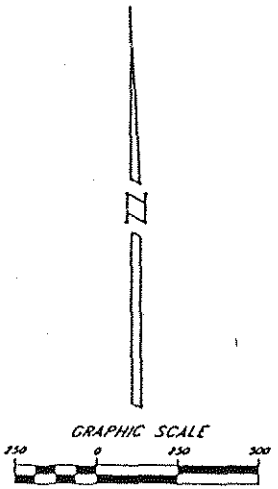
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PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS , STATE OF CALIFORNIA



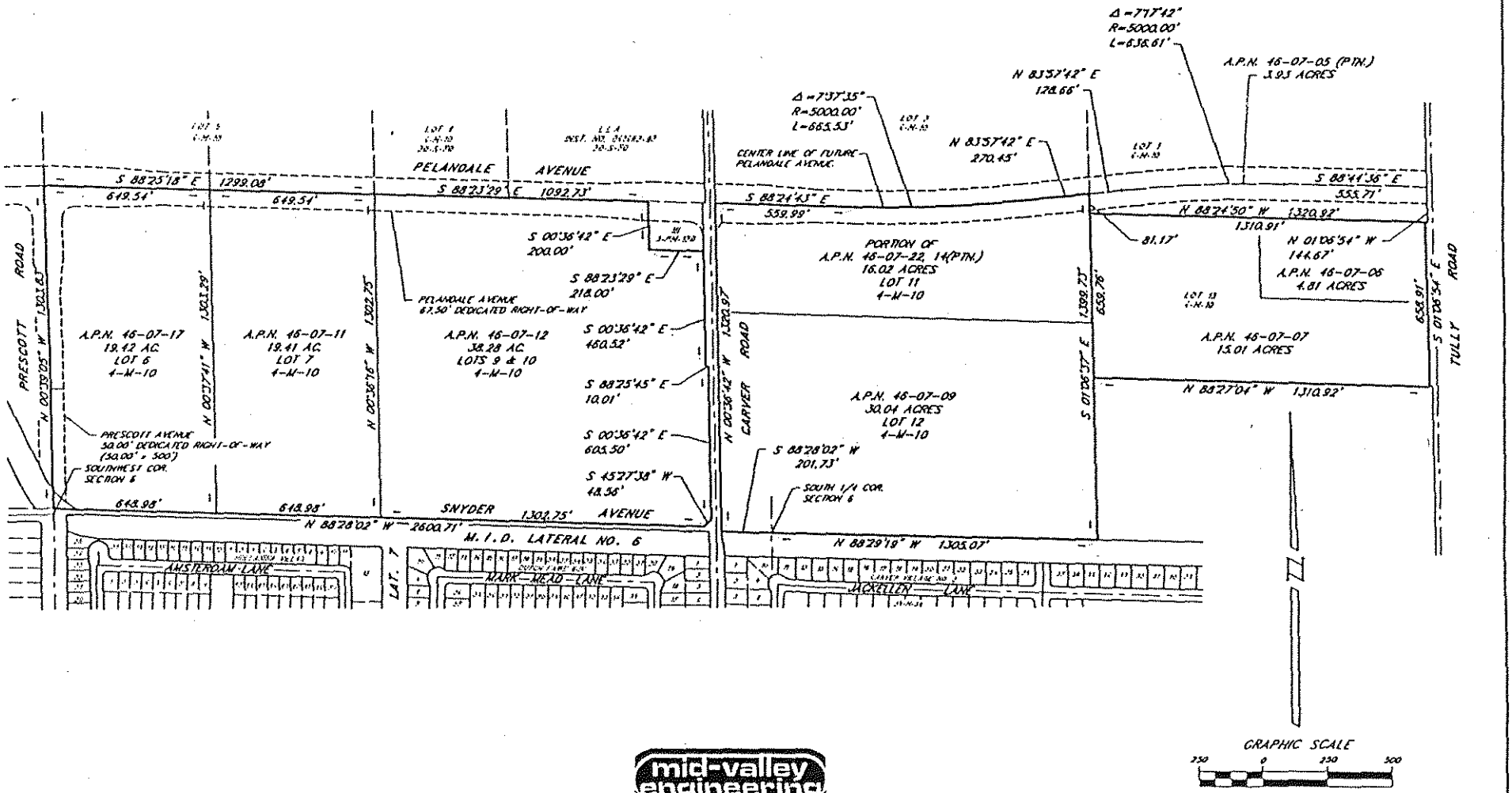


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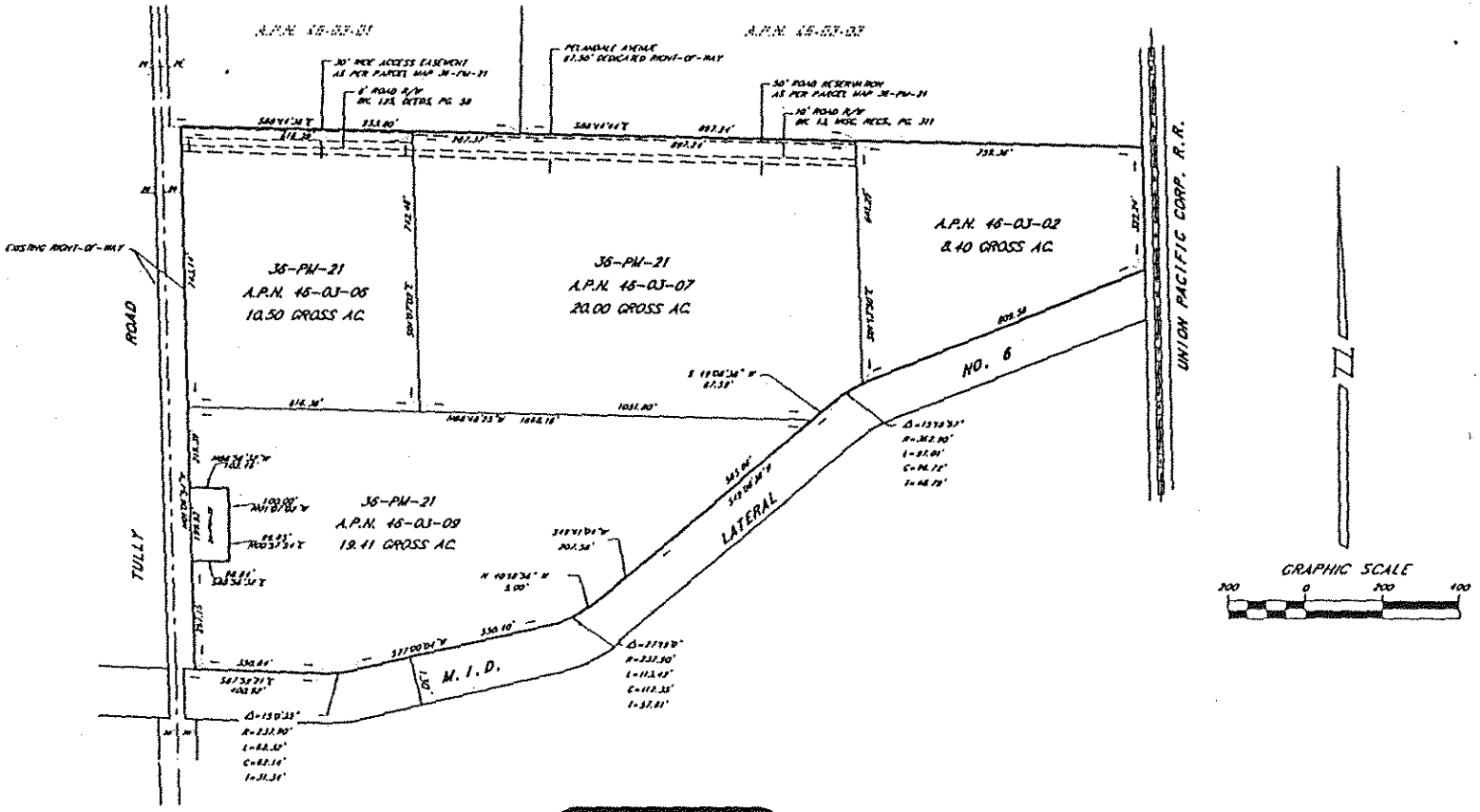
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70-332/CFD/CFD1.DWG

SHEET 1 OF 6

PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA

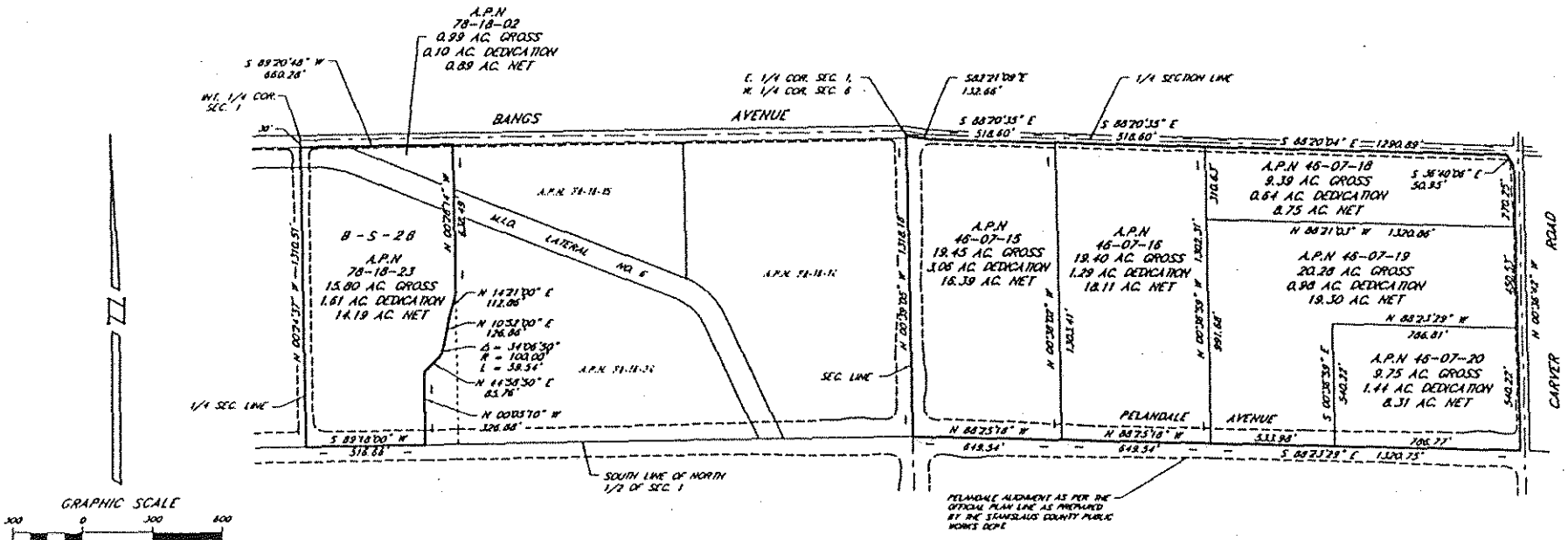


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PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) COUNTY OF STANISLAUS, STATE OF CALIFORNIA



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APPENDIX B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AND REIMBURSEMENTS

EXHIBIT B

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX AND REIMBURSEMENTS

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1998-2 (herein "CFD No. 1998-2") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1998-2, unless exempted by law or by the provisions of Section F below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1998-2 unless a separate Rate and Method of Apportionment of Special Tax and Reimbursements is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

"Administration Component" means that portion of the Facilities Special Tax which must be paid (i.e., is not subject to fee credits) prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure. The revenue collected from the Administration Component will be used by the City to pay annual expenses, consultants' fees, and staff time associated with administering the CFD, monitoring the Authorized Facilities and effecting reimbursements, including but not limited to the following: (i) tracking development in the CFD, (ii) preparing the tax roll for the Annual Maintenance Special Tax, (iii) calculating and collecting the Facilities Special Tax, (iv) engineering, (v) planning, (vi) legal services, and (vii) acquisition and construction of land and improvements associated with the Authorized Facilities.

"Administrator" shall mean the person(s) or firm(s) designated by the City to administer the Special Tax according to this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay the Maintenance Special Tax Requirement, as defined below.

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

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

"Authorized Facilities" or **"Authorized Facility"** means those public improvements (including portions of such public improvements) to be funded by CFD No. 1998-2 as identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements, including appurtenant expenses such as planning, design, engineering and inspection.

"Buildable Lot" means an individual numbered lot which is in its final configuration and for which a building permit may be issued.

"CFD Costs" means the total amount shown in the CFD Public Report to cover costs associated with CFD formation, CFD administration, and engineering, legal services, planning and geotechnical studies related to the Authorized Facilities.

"CFD Public Report" means the report filed with the City Clerk on behalf of CFD No. 1998-2 pursuant to Section 53321.5 of the Mello-Roos Community Facilities Act of 1982.

"Church Property" means any Parcel within the CFD that is exempt from ad valorem property taxes because it is owned by a religious organization.

"City" means the City of Modesto.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1998-2.

"Credit/Reimbursement Amount" means the sum of the portion of the CFD Costs and the costs of Authorized Facilities that have been paid in advance by a builder/developer and have not yet been reimbursed to that builder/developer through one of the following: (i) the application of Special Tax Credits (as defined below) or (ii) payments to the builder/developer from Facilities Special Taxes collected from other builders/developers in the CFD. The Credit/Reimbursement Amount outstanding at any point in time will be determined pursuant to Section D below.

"Facilities Special Tax" means a Special Tax collected by the City to pay for one or more of the following: (i) the costs of Authorized Facilities and CFD Costs, (ii) to reimburse a builder/developer who has an outstanding Credit/Reimbursement Amount, and (iii) if all Authorized Facilities have been completed, to pay for maintenance authorized to be funded by the CFD.

"Final Map" means a final map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*).

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

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay for authorized maintenance expenses, (ii) pay administrative expenses of CFD No. 1998-2, and (iii) cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

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

"Non-Residential Property" means, in any Fiscal Year, all Parcels for which a building permit has been issued for a commercial, office or industrial establishment or any other use which is not single family or multi-family residential property and which is not exempt from Special Taxes pursuant to Section F below.

"Order of Priority" means the order in which the Authorized Facilities and CFD Costs must be fully credited or reimbursed before Special Tax Credits can be made against the Facilities Special Tax or reimbursements paid to a builder/developer for other CFD facilities that are of lower priority. The Order of Priority is identified in Attachment 1 of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Original Parcel" means an Assessor's Parcel that will be further subdivided upon recordation of a Final Map. The Original Parcels in CFD No. 1998-2 at the time the Resolution of Formation of CFD No. 1998-2 was approved by the Council are listed in Attachment 2.

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

"Reimbursable Cost" means, for any of the Authorized Facilities, the amount shown in 1998 dollars in the CFD Public Report, which amount shall, beginning in January 2002 and each January thereafter, be increased by four percent (4%) of the amount in effect in the prior year.

"Special Tax Credit" means a waiver of the creditable portion of the Facilities Special Tax that would otherwise be due from a Parcel in the CFD if the builder/developer of that Parcel did not have an outstanding Credit/Reimbursement Amount.

"Subdivided Property" means, in any Fiscal Year, all Buildable Lots for which a final building permit inspection has taken place or a certificate of occupancy has been issued prior to June 1 of the preceding Fiscal Year.

"Successor Parcel" means an Assessor's Parcel of Taxable Property created by the subdivision or reconfiguration of an Original Parcel within the CFD.

"Taxable Property" means, in any Fiscal Year, all Parcels in CFD No. 1998-2 that have not been exempted from the Special Tax pursuant to Section F below.

"Tax Area A" means parcels within the Carver-Bangs Specific Plan Area, which Area is shown in Attachment 3A of this Rate and Method of Apportionment of Special Tax and Reimbursements.

"Tax Area B" means parcels within the Pelandale-Snyder Specific Plan Area, which Area is shown in Attachment 3B of this Rate and Method of Apportionment of Special Tax and Reimbursements.

B. ANNUAL MONITORING

The Administrator shall keep an ongoing record of the Acreage and current Assessor's Parcel numbers within Tax Area A and Tax Area B and, after July 1 of each Fiscal Year, shall identify the Assessor's Parcels which have become Subdivided Property and, therefore, will be subject to the levy of the Maintenance Special Tax in that Fiscal Year. The Administrator shall also continually monitor Subdivided Property to ensure the Facilities Special Tax is collected prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first), unless the Parcel qualifies for a Special Tax Credit, as discussed further in Section D below.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

The maximum 1998 Facilities Special Tax for Original Parcels in CFD No. 1998-2 when the CFD was formed is shown in Attachment 2. Each time a Final Map is approved within the CFD or when Parcels in the CFD are otherwise subdivided or reconfigured, the Administrator shall reallocate the maximum Facilities Special Tax assigned to each Original Parcel to the Subsequent Parcels created by approval of the Final Map as follows:

Step 1a. Identify the maximum Facilities Special Tax applicable to the Original Parcel being subdivided (the maximum Facilities Special Tax for Original Parcels in the CFD when the CFD was formed are shown in Attachment 2);

Step 1b. Determine the Acreage of Taxable Property within the approved Final Map;

Step 1c. Determine the total Acreage of Taxable Property within the Original Parcel being subdivided, including the Taxable Property within the Final Map;

Step 1d. Divide the Acreage determined in Step 1b by the total Acreage of the Original Parcel determined in Step 1c to calculate a percentage;

Step 1e. Multiply the percentage determined in Step 1d by the amount identified in Step 1a to calculate the maximum Facilities Special Tax to be allocated to the Final Map area. If a Final Map is approved for a portion of an Original Parcel, the maximum Facilities Special Tax that has not been allocated to the Final Map area will stay assigned to the remainder of the Taxable Property within the Original Parcel until it is further subdivided;

Step 1f. Spread the maximum Facilities Special Tax calculated in Step 1e to each of the Successor Parcels within the Final Map area based on each Successor Parcel's share of the Acreage of Taxable Property within the Final Map.

After each reallocation of the maximum Facilities Special Tax upon subdivision or reconfiguration of Original Parcels, the sum of the maximum Facilities Special Tax assigned to Subsequent Parcels shall never be less than the maximum Facilities Special Tax assigned to the Original Parcel(s) prior to such reallocation. Beginning in January 2002 and each January thereafter, the maximum Facilities Special Tax assigned to each Parcel shall be increased by four percent (4%) of the amount in effect in the prior year.

2. Annual Maintenance Special Tax

All Subdivided Property within the CFD shall be subject to an Annual Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1998-2 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner. The following maximum rates apply to all Parcels of Taxable Property within CFD No. 1998-2 for Fiscal Year 1998-99:

CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) FISCAL YEAR 1998-99 MAXIMUM ANNUAL MAINTENANCE SPECIAL TAX*		
Land Use Type	*Tax Area A (Carver-Bangs)*	*Tax Area B (Pelandale-Snyder)*
Single Family	$118 per unit	$92 per unit
Multi-Family	$945 per Acre	$733 per Acre
Non-Residential	$945 per Acre	$733 per Acre
* Beginning in January 1999 and each January thereafter, the maximum Annual Maintenance Special Tax shall be increased by 4% of the amount in effect in the prior year. Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.		

D. IMPLEMENTATION OF CREDIT/REIMBURSEMENT PROGRAM

Certain builders/developers may be required to pay CFD Costs and fund and construct Authorized Facilities that are ultimately intended to be funded from Facilities Special Tax revenues. The City shall implement a Special Tax Credit and reimbursement program, which will ensure that builders/developers that pay more than their fair share of the CFD Costs and/or Authorized Facilities costs will be reimbursed for the overage.

At the request of the landowners and developers at the time this Rate and Method of Apportionment was prepared and CFD No. 1998-2 was formed, all credits and reimbursements to builder/developers who provide Authorized Facilities shall be in amounts equal to the costs set forth for those Authorized Facilities in the CFD Public Report (except as adjusted as described below). Pursuant to this request, whether the actual cost to build an Authorized Facility is higher or lower than the amount shown in the CFD Public Report for that Authorized Facility, a builder/developer shall be credited and/or reimbursed for the dollar amount included in the CFD Public Report for that Authorized Facility. If there is a cost savings for one Authorized Facility and a cost overrun for another, there is no opportunity pursuant to this Rate and Method of Apportionment for the cost savings to offset the cost overrun.

The following steps shall be applied to implement the credit/reimbursement program:

On an Ongoing Basis

- n January 2002 and each January thereafter, the Administrator shall escalate the following items by four percent (4%): (i) the Facilities Special Tax assigned to each Parcel, (ii) the Credit/Reimbursement Amount outstanding for any builder/developer, and (iii) the costs of Authorized Facilities that have not yet been constructed. An updated list of these three items shall be available each year by February 15.

- The Administrator will keep a current list of the adjustments that have been applied in each year to the items listed above.

- The Administrator will keep track of which Authorized Facilities shown in Attachment 1 have been fully credited or reimbursed to establish the next Authorized Facility to be funded according to the Order of Priority.

- For builder/developers who pay more than their pro-rata share of the cost of particular Authorized Facilities and/or CFD Costs and are due a reimbursement after applying Special Tax Credits, the Administrator shall keep track of the date on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) to ensure that reimbursements of costs that fall within the same Order of Priority will be made on a first incurred/first paid basis.

When a Final Map is Approved by the City Council:

Step 1. The Administrator shall determine which Authorized Facilities the builder/developer subdividing the property has funded;

Step 2. The Administrator shall determine the Order of Priority for the Authorized Facilities funded by the builder/developer. If the improvements are not first in the Order of Priority, the Administrator shall determine whether facilities that are of a higher priority have yet been fully reimbursed or credited;

Step 3. By reference to the detailed cost estimates set forth in the CFD Public Report, the Administrator shall determine the estimated 1998 cost that had been included in the maximum Facilities Special Tax for the Authorized Facilities provided by the builder/developer;

Step 4. Using 2002 as the first year of escalation, the Administrator shall escalate the cost of the Authorized Facilities (as shown in the CFD Public Report) provided by the builder/developer to the year in which the Credit/Reimbursement Amount is being calculated. This escalation shall apply on an annual basis (i.e., subtract 2001 from the then current year to determine how many years worth of escalation to apply) and shall be compounded in the same manner as the Facilities Special Tax has been escalated. This escalated cost represents the total Credit/Reimbursement Amount due to the builder/developer, the balance of which, as of the year 2002 and each year following, shall be escalated by four percent (4%) each year until fully reimbursed or credited against Facilities Special Taxes paid by the builder/developer.

Prior to final building permit inspection or issuance of a certificate of occupancy (whichever occurs first)

Note: the following steps may be applied to a single Parcel or a group of Parcels (i.e., all residential lots within a particular Final Map)

The Administrator shall determine if the builder/developer has an outstanding Credit/Reimbursement Amount and apply one of the following:

Step 1. **If there is an outstanding Credit/Reimbursement Amount for the builder/developer**, the Administrator shall apply the following steps to determine if a Facilities Special Tax is due from the subject Parcel(s):

Step 1a. Identify the Facilities Special Tax that would have been paid by the Parcel(s) if no Credit/Reimbursement Amount were outstanding;

Step 1b. Multiply the amount determined in Step 1a by .07 to calculate the Administration Component, which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 1c. Subtract the Administration Component calculated in Step 1b from the Facilities Special Tax identified in Step 1a to calculate the net amount that could be collected for facility costs, and apply one of the following:

- *If the net amount determined in Step 1c is less than the outstanding Credit/Reimbursement Amount for the builder/developer*, the Administration Component calculated in Step 1b shall be collected and the builder/developer shall be given a Special Tax Credit against the remainder of the Facilities Special Tax for that Parcel(s). After the Special Tax Credit has been calculated, the Administrator shall subtract that amount from the outstanding Credit/Reimbursement Amount for that builder/developer.

- *If the net amount determined in Step 1c is greater than the outstanding Credit/Reimbursement Amount for the builder/developer*, subtract the outstanding Credit/Reimbursement Amount from the net amount of Facilities Special Tax calculated in Step 1c to determine the amount that must be paid by the builder/developer. If the calculation is being prepared

for multiple Parcels at one time, the builder/developer may use up the remaining Credit/Reimbursement Amount by taking Special Tax Credits against the first lots to develop and pay the remaining balance when the subsequent lots develop. The Administrator shall update the CFD records to reflect a zero Credit/Reimbursement Amount for that builder/developer.

Step 2. **If there is <u>not</u> an outstanding Credit/Reimbursement Amount for the builder/developer,** the Administrator shall apply the following steps:

Step 2a. Identify the Facilities Special Tax assigned to the Parcel(s), which shall be due and payable to the City prior to final building permit inspection or issuance of a certificate of occupancy (whichever comes first);

Step 2b. Multiply the amount determined in Step 2a by .07 to calculate the Administration Component, which shall remain on deposit with the City;

Step 2c. Subtract the Administration Component calculated in Step 2b from the Facilities Special Tax identified in Step 2a to calculate the net amount that shall be collected to provide reimbursements to builder/developers with outstanding Credit/Reimbursement Amounts;

Step 2d. Determine whether there is an outstanding Credit/Reimbursement Amount due other builder/developers in the CFD and apply one of the following:

- *If there <u>are</u> outstanding Credit/Reimbursement Amounts*, look at the Order of Priority of the Authorized Facilities for which a Credit/Reimbursement Amount is due. In addition, identify the dates on the "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" (or other such certificate issued by the City) which were provided to each builder/developer for which a Credit/Reimbursement Amount is outstanding. Reimbursements shall be paid based on the Order of Priority and, if there are multiple Credit/Reimbursement Amounts due within the same priority level, based on the date on which a "Notice of Completion of Public Facilities to be Acquired by CFD No. 1998-2" was issued to each

builder/developer. After the reimbursements are made, the Administrator shall reduce the Credit/Reimbursement Amount for the builder/developer(s) who received reimbursement by the amount of such reimbursement.

- *If there are no outstanding Credit/Reimbursement Amounts due any builder/developer*, the City shall deposit the Facilities Special Tax into an account which will be designated for funding the Authorized Facilities. The balance in this fund will be used either to pay directly for the construction of Authorized Facilities or to reimburse a builder/developer who constructs Authorized Facilities in future years. The interest earned on funds in this account shall accrue to the account for the same purposes.

E. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The maximum Facilities Special Tax determined pursuant to Section C above shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction (whichever occurs first) for any residential or non-residential structure within CFD No. 1998-2 and shall be immediately delinquent if not so paid.

2. Annual Maintenance Special Tax

Commencing with Fiscal Year 1999-00 and for each following Fiscal Year, the Administrator shall determine the Maintenance Special Tax Requirement for that Fiscal Year. The Annual Maintenance Special Tax shall then be levied on all Parcels of Subdivided Property as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Subdivided Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C.2 above;

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

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

Step 4: If the ratio determined in Step 2 is less than 1, levy the maximum Annual Maintenance Special Tax against all Parcels of Subdivided Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax determined pursuant to Section C.2 above until the amount so levied equals the Maintenance Special Tax Requirement for the Fiscal Year.

The Annual Maintenance Special Tax for CFD No. 1998-2 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1998-2 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes levied on the County tax roll.

In no event shall the Maintenance Special Tax levied and collected in one Tax Area be increased due to delinquencies in the other Tax Area.

F. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax and Reimbursements, no Special Tax shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982. No Annual Maintenance Special Tax shall be levied on Church Property unless such Church Property is built on a Parcel or Parcels that had previously been developed with residential or non-residential land uses which had paid the Annual Maintenance Special Tax. The maximum Annual Maintenance Special Tax assigned to such Church Property would be equal to the maximum Annual Maintenance Special Tax that had previously been assigned to the residential or non-residential land uses on the property.

The Maintenance Special Tax will continue to be levied and collected unless and until the City determines that Maintenance Special Tax revenues are no longer needed to pay authorized services of the CFD.

G. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Annual Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus simple interest charges of

1.5% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following January 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

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ATTACHMENT 1

COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER BANGS/PELANDALE-SNYDER)
ORDER OF PRIORITY OF AUTHORIZED FACILITIES

First Priority

- Storm drain basin construction (including but not limited to basins, inlet structures, pipelines, and fencing)
- Storm drain trunkline in Snyder Avenue adjacent to school and park sites
- CFD Costs (as identified in the CFD Public Report)
- Engineering design costs for storm drain related improvements (including geotechnical)

Second Priority

- Storm drain basin land purchase for both basins (Van Konynenburg properties), east and west of Modest Irrigation District lateral No. 6

Third Priority

- Storm drain trunk lines (other than trunkline in Snyder Avenue adjacent to school and park sites)

[Note that storm drain trunk lines are specific to each tax area and will remain a third priority within a tax area until all trunk lines within that tax area are credited or reimbursed.]

Fourth Priority

- Storm drain pump station, piping and landscaping around storm drainage basin

Fifth Priority, Tax Area A (Carver Bangs)

- Bike trail
- American Avenue
- Prescott Road
- Bangs Avenue
- Carver Road
- American Avenue crossing of Modest Irrigation District lateral No. 6
- Pedestrian bridge crossing of Modesto Irrigation District lateral No. 6

Fifth Priority, Tax Area B (Pelandale-Snyder)

- Bike trail
- Dale Road
- Prescott Road
- Tully Road
- Snyder Avenue (opposite)
- Tully/Snyder traffic signal

ATTACHMENT 2
CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 1998-2
(CARVER-BANGS/PELANDALE-SNYDER)
MAXIMUM FACILITIES SPECIAL TAX

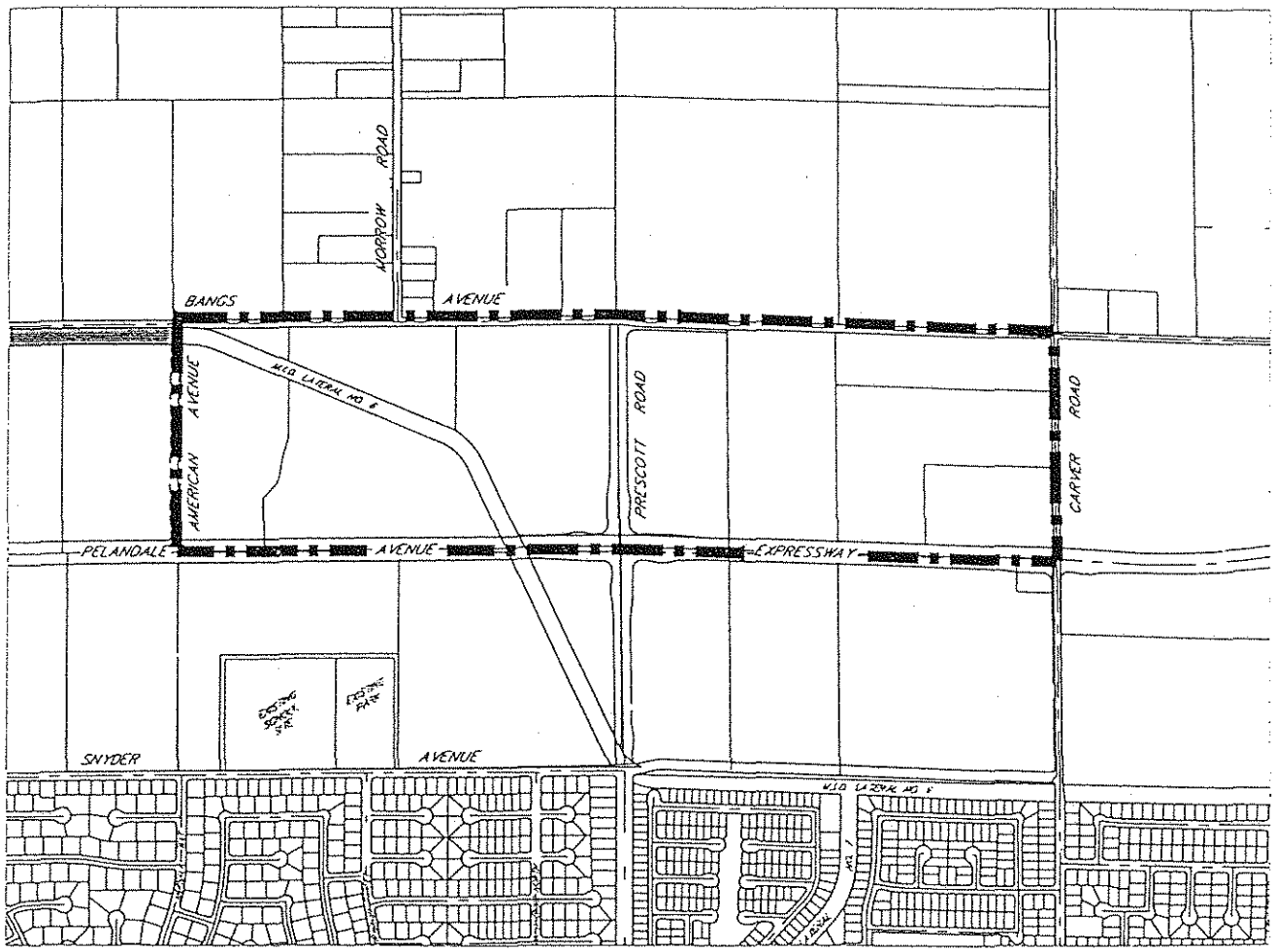
	Carver-Bangs	Pelandale-Snyder
Infrastructure Costs, other than Storm Drainage	$986,097	$3,043,306
Plus: Administration 7.00%	$69,027	$213,031
Subtotal, Costs other than Storm Drainage	$1,055,124	$3,256,337
Storm Drainage Costs	$1,494,750	$4,389,042
Plus: Administration 7.00%	$104,633	$307,233
Subtotal, Storm Drainage Costs	$1,599,383	$4,696,275
Total Costs Assigned to Tax Area	*$2,654,506*	*$7,952,612*
Total Net Acreage Contributing to Non-Drainage Facilities	137.44	298.40
One-Time Special Tax per Net Acre for non-Drainage	$7,677	$10,913
Total Net Acreage Contributing to Storm Drainage	137.44	317.73
One-Time Special Tax per Net Acre for Storm Drainage	$11,637	$14,781

Assessor Parcel No.	Property Owner	Net Acreage	1998 Maximum Facilities Special Tax/1
Tax Area A, Carver-Bangs			
78 12 02	Calvary Chapel	0.89	$17,189
78 18 23	Calvary Chapel	14.19	$274,065
78 18 24	William Han	28.90	$558,173
78 18 14	Lowry, Luscher, Donovan	22.60	$436,495
46 07 15	Kaufman & Broad	16.39	$316,555
46 07 16	Elaine Fowler	18.11	$349,775
46 07 18	Ronald Malik	8.75	$168,997
46 07 19	Ronald Malik	19.30	$372,759
46 07 20	Ronald Malik	8.31	$160,499
Total, Carver-Bangs		*137.44*	*$2,654,506*
Tax Area B, Pelandale-Snyder			
78 18 06	TRS Enterprises	35.45	$910,830
78 18 7	Vossoughi Investments	18.67	$479,695
78 18 22	Rodney K. Lowe, Inc.	18.35	$471,473
78 18 28	Corn-Harris Development	20.62	$529,797
78 18 12	Resource Development	24.08	$618,696
46 07 17	Marlene Johnston, et. al.	16.22	$416,746
46 07 11	Verna Mae Johnson Trust	17.95	$461,196
46 07 12	William P. Couture	35.65	$915,969
46 07 22	Red Rock Ranch	13.05	$335,298
46 07 09	Walker Family Partnership	26.90	$691,152
46 07 07	Resource Development	13.89	$356,881
46 07 06	Resource Development	4.58	$117,676
46 07 08	Brent & Diana Holtz	18.62	$478,411
46 03 02	Big Valley Grace Comm. Church	7.20	$184,992
46 03 06	Big Valley Grace Comm. Church	9.07	$233,039
46 03 07	Big Valley Grace Comm. Church	18.10	$465,050
46 03 09	Big Valley Grace Comm. Church	19.33	$285,711
Total, Pelandale-Snyder		*317.73*	$7,952,612

/1 Maximum taxes shall be increased each year by four percent of the amount in effect in the prior year.

COMMUNITY FACILITIES DISTRICT NO. 1998-2

TAX AREA "A"

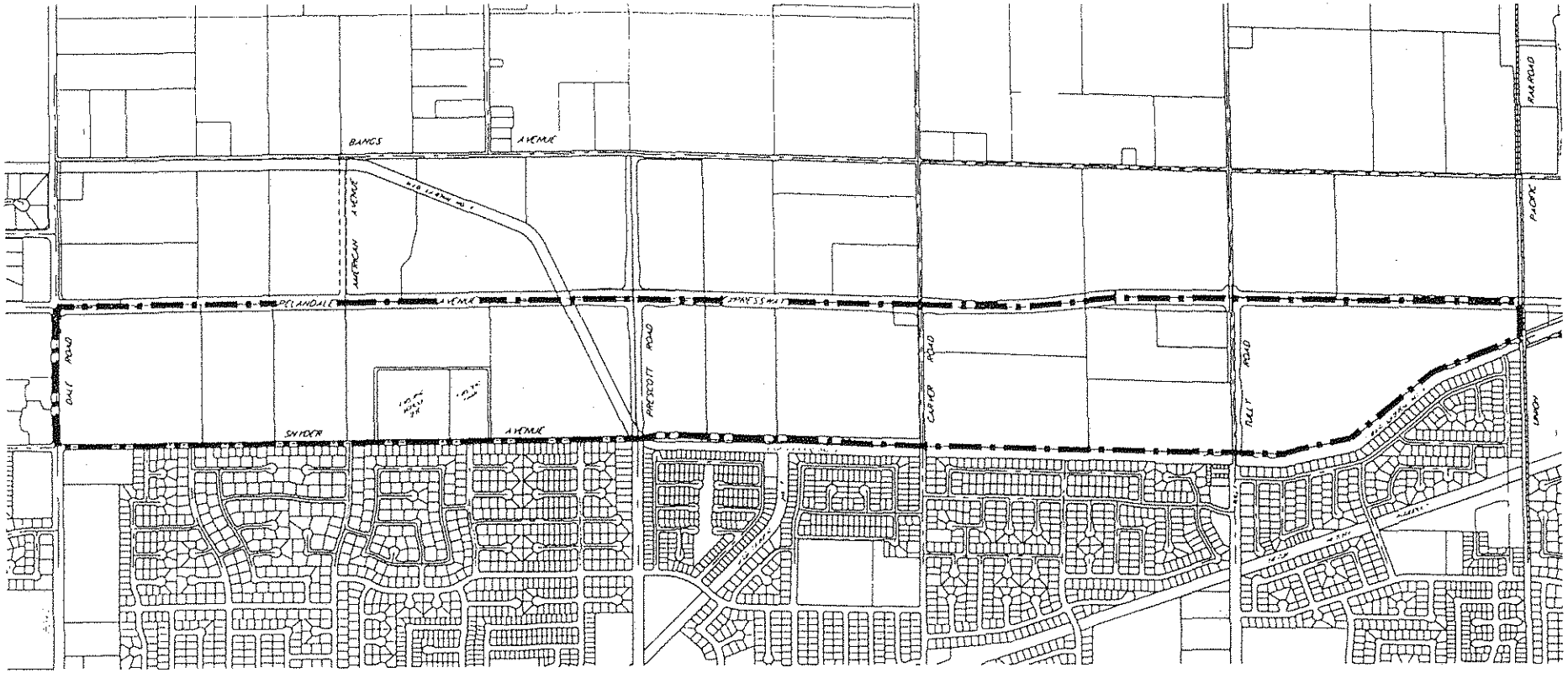


NORTH

Drawn J.R.M.	C.F.D. 1998-2 (CARVER-BANGS/ PELANDALE-SNYDER)	mid-valley engineering	FAX (209) 526-0803
Date 10-14-98			SHEET 1
Scale	ATTACHMENT 3A	900 H ST. STE. G , MODESTO, CALIFORNIA , 95354 (209) 526-4214	OF 1
Job No. 71-159.16			
Dwg. TAX-A			

COMMUNITY FACILITIES DISTRICT NO. 1998-2

TAX AREA "B"



NORTH

Drawn	J.P.M.
Date	10-14-98
Scale	
Job No.	71-159.16
Dwg	TAX-B

C.F.D. 1998-2
(CARVER-BANGS/
PELANDALE-SNYDER)

ATTACHMENT 3B

mid-valley engineering
900 H ST. STE. G, MODESTO, CALIFORNIA 95354
(209) 526-4214
FAX (209) 526-0803

SHEET 1 OF 1

APPENDIX C

CITY OF MODESTO
COMMUNITY FACILITIES DISTRICT NO. 1998-2

DETAILED FACILITY COST ESTIMATES

CARVER-BANGS
(TAX AREA A)

DETAILED FACILITY COST ESTIMATES

23-Oct-98
JOB 71159

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT (CFD) 1998-2
SUMMARY

I. CARVER / BANGS SPECIFIC PLAN AREA

TOTAL ESTIMATED CFD COSTS	~~$2,424,418~~ $2,480,847

A. C.F.D. FEE PER NET ACRE

$2,424,418 / 137.44 NET ACRES = COST PER NET ACRE ========>	$17,640

B. ANNUAL LANDSCAPE MAINTENANCE COSTS PER NET ACRE

COST PER NET ACRE ==========>	$715

CARVER / BANGS (TAX AREA A)
SPECIFIC PLAN AREA
CFD REIMBURSEMENT PRIORITY

I. ORDER OF REIMBURSEMENT AND/OR CREDIT

A. FIRST PRIORITY

1. STORM DRAIN BASIN CONSTRUCTION (INCLUDING BUT NOT LIMITED TO BASINS, INLET STRUCTURES, PIPELINES, AND FENCING)
2. STORM DRAIN TRUNKLINE IN SNYDER AVENUE ADJACENT TO SCHOOL AND PARK SITES.
3. ALL CFD RELATED FORMATION COSTS (I.E., CITY OF MODESTO, DAVID TAUSSIG AND ASSOCIATES, KAUFMAN & BROAD, RON MALIK, MID-VALLEY ENGINEERING, J.B. ANDERSON LAND PLANNING, RUSSELL A. HARRISON, CONSULTING CIVIL ENGINEER, INC., AND HERUM, CRABTREE, DYER, ZOLEZZI AND TERPSTRA).
4. ALL ENGINEERING DESIGN COSTS FOR STORM DRAIN RELATED IMPROVEMENTS (INCLUDING GEOTECHNICAL).

B. SECOND PRIORITY

1. STORM DRAIN BASIN LAND PURCHASE FOR BOTH BASINS (VAN KONYNENBURG PROPERTIES), EAST AND WEST OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

C. THIRD PRIORITY

1. STORM DRAIN TRUNK LINES.

D. FOURTH PRIORITY

1. STORM DRAIN PUMP STATION, PIPING AND LANDSCAPING AROUND THE STORM DRAIN BASIN.

E. FIFTH PRIORITY

1. BIKE TRAIL.
2. AMERICAN AVENUE.
3. PRESCOTT ROAD.
4. BANGS AVENUE.
5. CARVER ROAD.
6. AMERICAN AVENUE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.
7. PEDESTRIAN BRIDGE CROSSING OF MODESTO IRRIGATION DISTRICT LATERAL NO. 6.

23-Oct-98
JOB 71159

CARVER BANGS SPECIFIC PLAN AREA (TAX AREA A)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

A.	STORM DRAINAGE	$1,494,750
B.	PRESCOTT ROAD	$145,422
C.	AMERICAN AVENUE	$24,033
D.	BANGS AVENUE	$254,305
E.	CARVER ROAD	$57,270
F.	AMERICAN AVENUE CANAL CROSSING	$295,066
G.	CLASS I BIKE TRAIL	$142,500
H.	FORMATION COSTS	$67,500
	TOTAL CFD COSTS ====	**$2,480,847**

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE COSTS IS ESTIMATED AT $751 PER ACRE.
2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIV WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF PELANDALE-SNYDER
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I. STORM DRAIN TRUNK LINES					
A. CONSTRUCTION					
1.	30" STORM	2,549	LF	$100.00	$254,900
2.	36" STORM	1,279	LF	$121.00	$154,759
3.	48" STORM	597	LF	$161.00	$96,117
4.	SHARE OF 54" STORM DRAIN TO BASIN	46	LF	$182.00	$8,372
5.	MANHOLES	14	EA	$5,750.00	$80,500
	SUB-TOTAL STORM DRAIN TRUNK LINES =====>				$594,648
	10% CONTINGENCY =====>				$59,465
	TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====>				$654,113
II. STORM DRAINAGE BASIN FACILITIES					
A. CONSTRUCTION					
1.	STORM DRAIN BASIN EXCAVATION	42,628	CY	$6.00	$255,768
2.	STORM DRAIN PUMP STATION	LUMP SUM	LS	$165,445.00	$165,445
3.	STORM DRAIN PIPING (PLUS JACK & BORE)	LUMP SUM	LS	$8,943.00	$8,943
4.	FENCING	1,227	LF	$16.00	$19,632
5.	LANDSCAPING	10,433	SF	$2.80	$29,212
6.	INLETS	LUMP SUM	LS	$2,981.00	$2,981
7.	STRIPPING / CLEARING / DISCING	LUMP SUM	LS	$2,981.00	$2,981
	SUB-TOTAL STORM DRAIN BASIN FACILITIES =====>				$484,962
	10% CONTINGENCY =====>				$48,496
	TOTAL STORM DRAIN BASIN FACILITIES =====>				$533,459
B. FEES					
1.	ENGINEERING	1	EST	$29,808.00	$29,808
2.	STAKING	1	EST	$14,755.00	$14,755
3.	CONSTRUCTION MANAGEMENT	1	EST	$19,873.00	$19,873
4.	GEOTECHNICAL	1	EST	$5,365.00	$5,365
	TOTAL FEES =====>				$64,436

Carver-Bangs Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	LAND ACQUISITION				
1.	LAND PURCHASE	29.61% OF TOTAL COST OF $1,030,239 =			$305,054
2.	ADMINISTRATION	LUMP SUM	LS	$2,125.00	$2,125
		TOTAL LAND ACQUISITION ====>			$307,179
		GRAND TOTAL ====>			**$1,494,750**

NOTES:

1. THE CARVER-BANGS PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCE WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRESENTS THE FORMULA USED FOR CONSTRUCTION AND FEES:

   A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER	357.46
CARVER / BANGS	151.80
TOTAL GROSS ACRES ====>	509.26

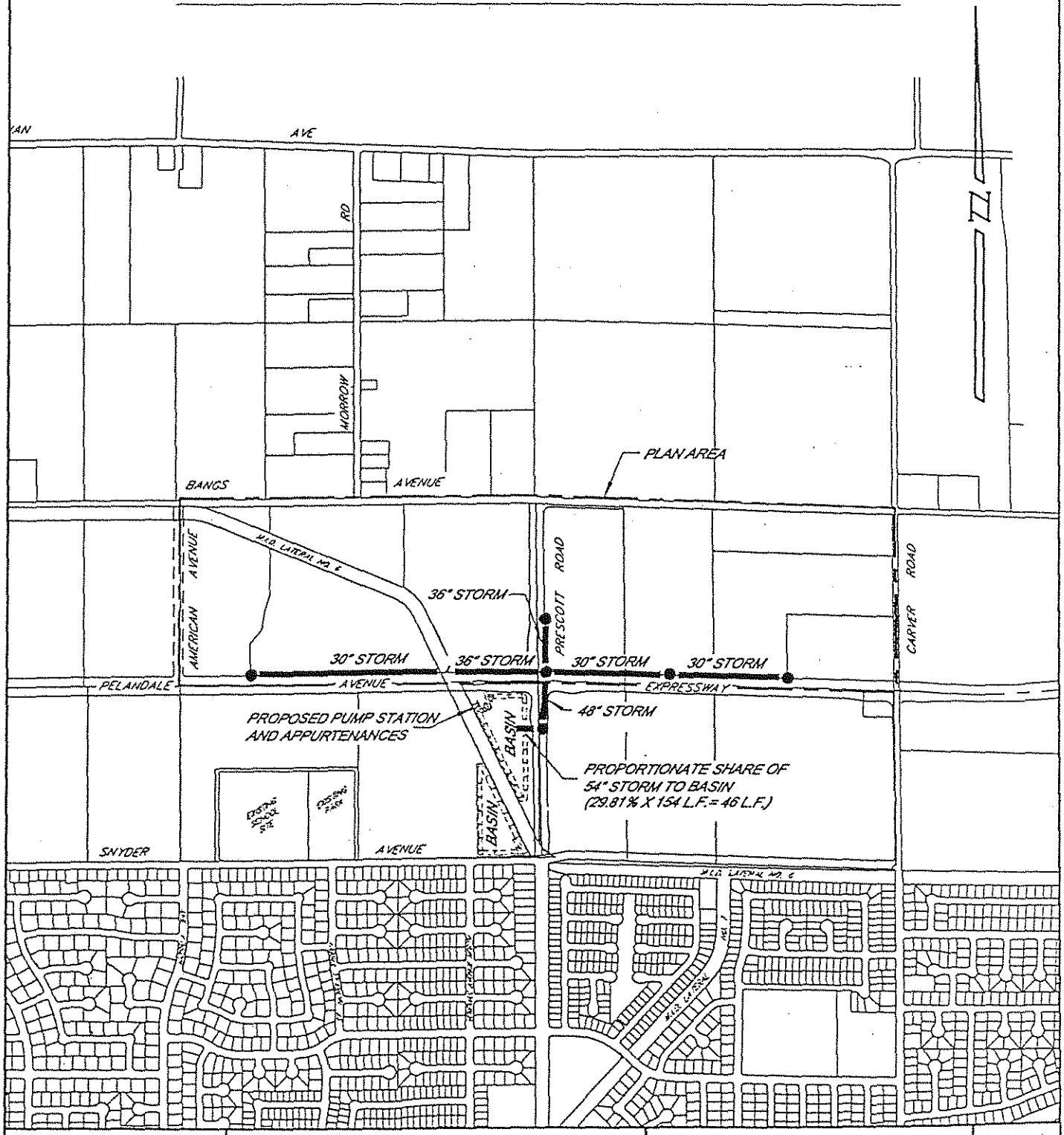
   B. CARVER / BANGS PROPORTIONATE SHARE

151.80 / 509.26 =	29.81%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER AND CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID-VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE DOW DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AREA GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.

STORM DRAIN SYSTEM



Drawn	J.FREITAS
Date	4-29-98
Scale	
Job No.	71-159.16
Dwg.	FIG-1

FIGURE 1

CARVER BANGS CFD FORMATION

mid-valley engineering

900 H ST. STE. G, MODESTO, CALIFORNIA, 95354
(209) 526-4214

FAX (209) 526-0803

SHEET 1 OF 1

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD (20' CFD PORTION)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,323' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (20' CFD PORTION)				
1.	CLEARING AND GRADING	24,675	SF	$0.60	$14,805
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	24,675	SF	$2.00	$49,350
3.	STORM DRAINAGE				
a.	CATCH BASINS	4	EA	$1,000.00	$4,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	200	LF	$30.00	$6,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	24,675	SF	$0.02	$494
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COST)	1	EST	$3,207.75	$3,208
				CONSTRUCTION TOTAL =====>	$81,856
				15% CONTINGENCY =====>	$12,278
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$94,135
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$5,648.08	$5,648
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$2,824.04	$2,824
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$3,765.39	$3,765
				TOTAL FEES =====>	$12,238
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.57	AC	$65,000.00	$37,050
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$39,050
				GRAND TOTAL =====>	**$145,422**

NOTES:

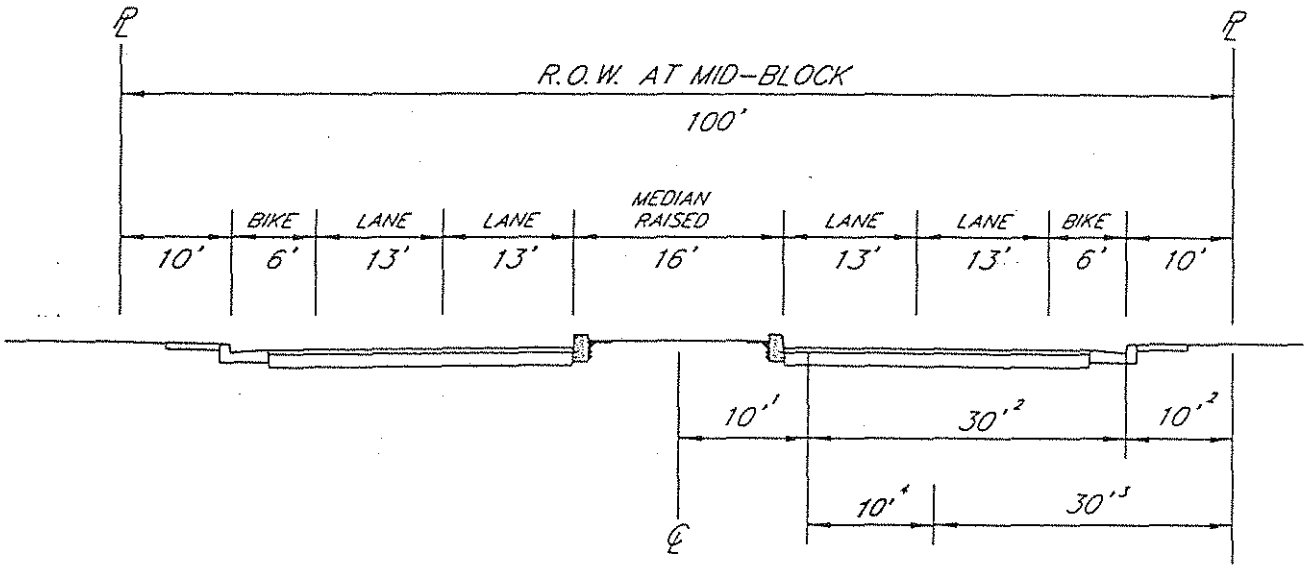
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF PRESCOTT ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 2).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

PRESCOTT ROAD SECTION

(MID-BLOCK)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn	J.FREITAS
Date	4-29-98
Scale	
Job No.	71-159.16
Dwg.	FIG-2

FIGURE 2

CARVER BANGS
CFD FORMATION

mid-valley engineering
900 H ST. STE. C , MODESTO, CALIFORNIA , 95354
(209) 526-4214
FAX (209) 526-0803

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE (2' CFD PORTION HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 3)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (CFD PORTION)				
1.	CLEARING AND GRADING	2,535	SF	$0.35	$887
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	2,535	SF	$1.75	$4,436
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	LUMP SUM	LS	$100.00	$100
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	LUMP SUM	LS	$300.00	$300
				CONSTRUCTION TOTAL =====>	$14,724
				15% CONTINGENCY =====>	$2,209
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$16,932
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$1,015.92	$1,016
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$507.96	$508
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$677.28	$677
				TOTAL FEES =====>	$2,201
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.06	AC	$65,000.00	$3,900
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$1,000.00	$1,000
				TOTAL LAND ACQUISITION =====>	$4,900
				GRAND TOTAL =====>	**$24,033**

NOTES:

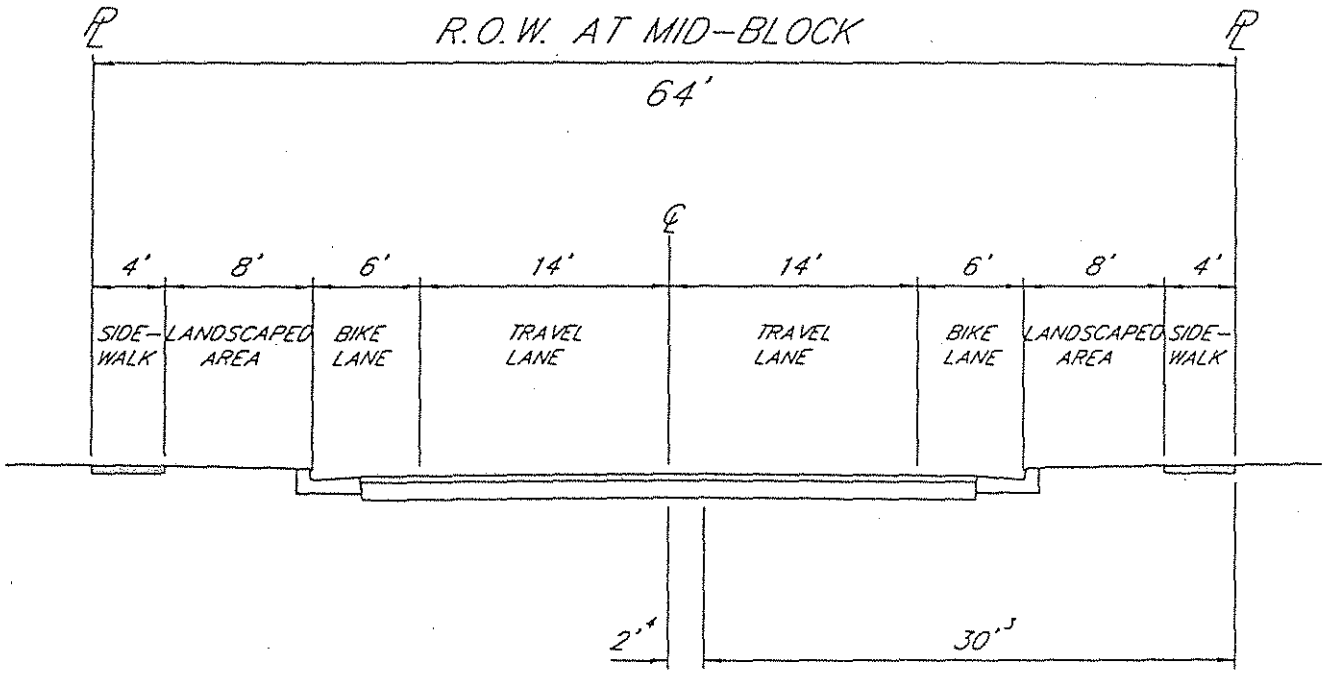
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF AMERICAN AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 3).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

AMERICAN AVENUE SECTION

(MID-BLOCK-LOOKING NORTH)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn	J.R.M.
Date	7-28-98
Scale	
Job No.	71-159.16
Dwg.	FIG-3

FIGURE 3

CARVER BANGS
CFD FORMATION

mid-valley engineering
900 H ST. STE. G, MODESTO, CALIFORNIA, 95354
FAX (209) 526-0803

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BANGS AVENUE (9' CFD PORTION, HALF SECTION ONLY)
FROM
AMERICAN AVENUE TO CARVER ROAD (5,350' C.L. TO C.L.)
(REFERENCE FIGURE 4)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (CFD PORTION)				
1.	CLEARING AND GRADING	48,150	SF	$0.35	$16,853
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	48,150	SF	$1.75	$84,263
3.	STORM DRAINAGE				
a.	CATCH BASINS	7	EA	$1,000.00	$7,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	350	LF	$30.00	$10,500
c.	MANHOLES	7	EA	$2,000.00	$14,000
4.	PRIME COAT	48,150	SF	$0.02	$963
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$5,055.75	$5,056
				CONSTRUCTION TOTAL =====>	$138,634
				15% CONTINGENCY =====>	$20,795
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$159,429
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$9,565.73	$9,566
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,782.86	$4,783
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,377.15	$6,377
				TOTAL FEES =====>	$20,726
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.11	AC	$65,000.00	$72,150
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$74,150
				GRAND TOTAL =====>	**$254,305**

NOTES:

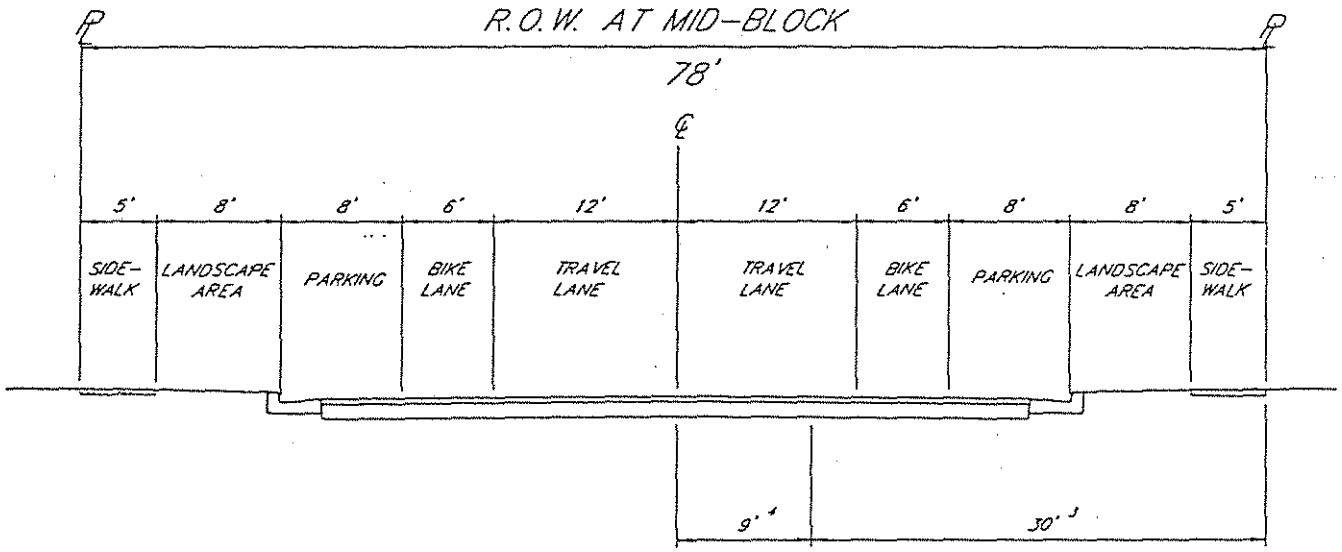
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF BANGS AVENUE IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 4).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

BANGS AVENUE SECTION

(MID-BLOCK LOOKING EAST)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn	J.R.M.
Date	7-28-98
Scale	
Job No.	71-159.16
Dwg.	FIG-4

FIGURE 4

CARVER BANGS
CFD FORMATION

mid-valley engineering
900 H ST. STE. G, MODESTO, CALIFORNIA, 95354
(209) 526-4214
FAX (209) 526-0803

23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CARVER ROAD (9' CFD PORTION, HALF SECTION ONLY)
FROM
PELANDALE AVENUE TO BANGS AVENUE
(REFERENCE FIGURE 5)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION (6' CFD PORTION)				
1.	CLEARING AND GRADING	9,900	SF	$0.35	$3,465
2.	PAVEMENT (0.40' A.C. OVER 0.45' A.B., T.I. = 8 R.V. = 50)	9,900	SF	$1.75	$17,325
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	2	EA	$2,000.00	$4,000
4.	PRIME COAT	9,900	SF	$0.02	$198
5.	STRIPING / SIGNAGE (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$1,039.50	$1,040
				CONSTRUCTION TOTAL =====>	$31,028
				15% CONTINGENCY =====>	$4,654
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$35,682
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$2,140.90	$2,141
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$1,070.45	$1,070
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$1,427.27	$1,427
				TOTAL FEES =====>	$4,639
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.23	AC	$65,000.00	$14,950
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$16,950
				GRAND TOTAL =====>	**$57,270**

NOTES:

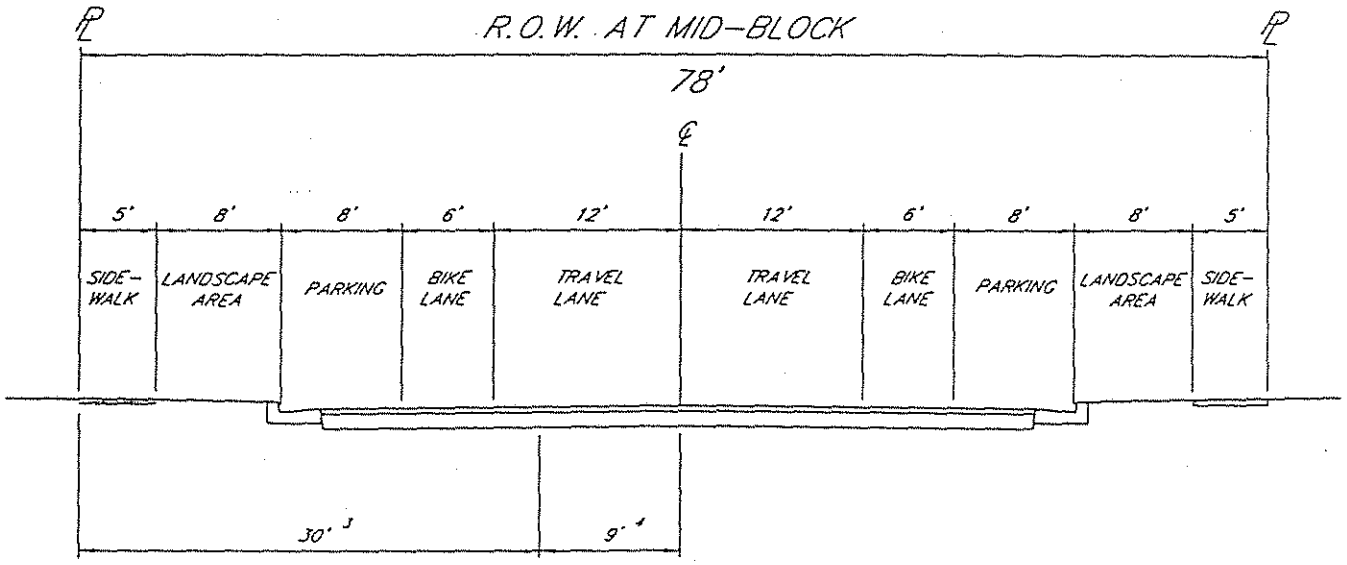
1. THE ABOVE ESTIMATE IS FOR THE PORTION OF CARVER ROAD IMPROVEMENTS WHICH IS ABOVE AND BEYOND A NORMAL CITY STANDARD COLLECTOR STREET (60' WIDE) AND WHICH IS NOT FUNDED THROUGH THE CITY'S CFF PROGRAM. (SEE FIGURE 5).

2. THE ABOVE ESTIMATE ONLY INCLUDES THE STORM DRAIN COSTS FOR THE CATCH BASINS, STORM DRAIN CATCH BASIN LATERALS AND STORM MANHOLES WHICH IS ASSUMED TO BE A PROPORTIONATE SHARE OF THE STORM IMPROVEMENTS. THE "MAINLINE" STORM DRAIN IMPROVEMENTS ARE TO BE INSTALLED BY ADJACENT DEVELOPMENT.

3. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

CARVER ROAD SECTION

(MID-BLOCK LOOKING NORTH)



NOTES:

1. BASED ON CITY POLICY, THE PORTION OF THE ROADWAY IMPROVEMENTS ABOVE AND BEYOND THE ADJACENT DEVELOPERS RESPONSIBILITY IS INCLUDED IN THE CFF PROGRAM. THE CFF PORTION GETS WIDER AS THE ROAD SECTION FLARES AT THE PRESCOTT/BANGS AND PRESCOTT/PELANDALE INTERSECTIONS.

2. BASED ON CITY POLICY, 40' OF IMPROVEMENTS ARE CONSTRUCTED BY THE ADJOINING DEVELOPMENT. THE 40' SECTION IS CONSTANT AT THE FLARED INTERSECTIONS.

3. THE STANDARD CITY CROSS SECTION FOR A MINOR COLLECTOR STREET IS 60' TOTAL. COLLECTOR STREETS ARE ENTIRELY CONSTRUCTED BY THE ADJOINING DEVELOPMENT.

4. THE REMAINING PORTION THAT IS NOT FUNDED BY THE CITY'S CFF PROGRAM AND IS NOT WITHIN THE STANDARD 60' MINOR COLLECTOR SECTION IS INCLUDED WITHIN THE CFD.

Drawn	J.R.M.
Date	7-28-98
Scale	
Job No.	71-159.16
Dwg.	FIG-5

FIGURE 5

CARVER BANGS
CFD FORMATION

mid-valley engineering
900 H ST. STE. G, MODESTO, CALIFORNIA, 95354
(209) 526-4214
FAX (209) 526-0803

23-Oct-98
JOB 71159

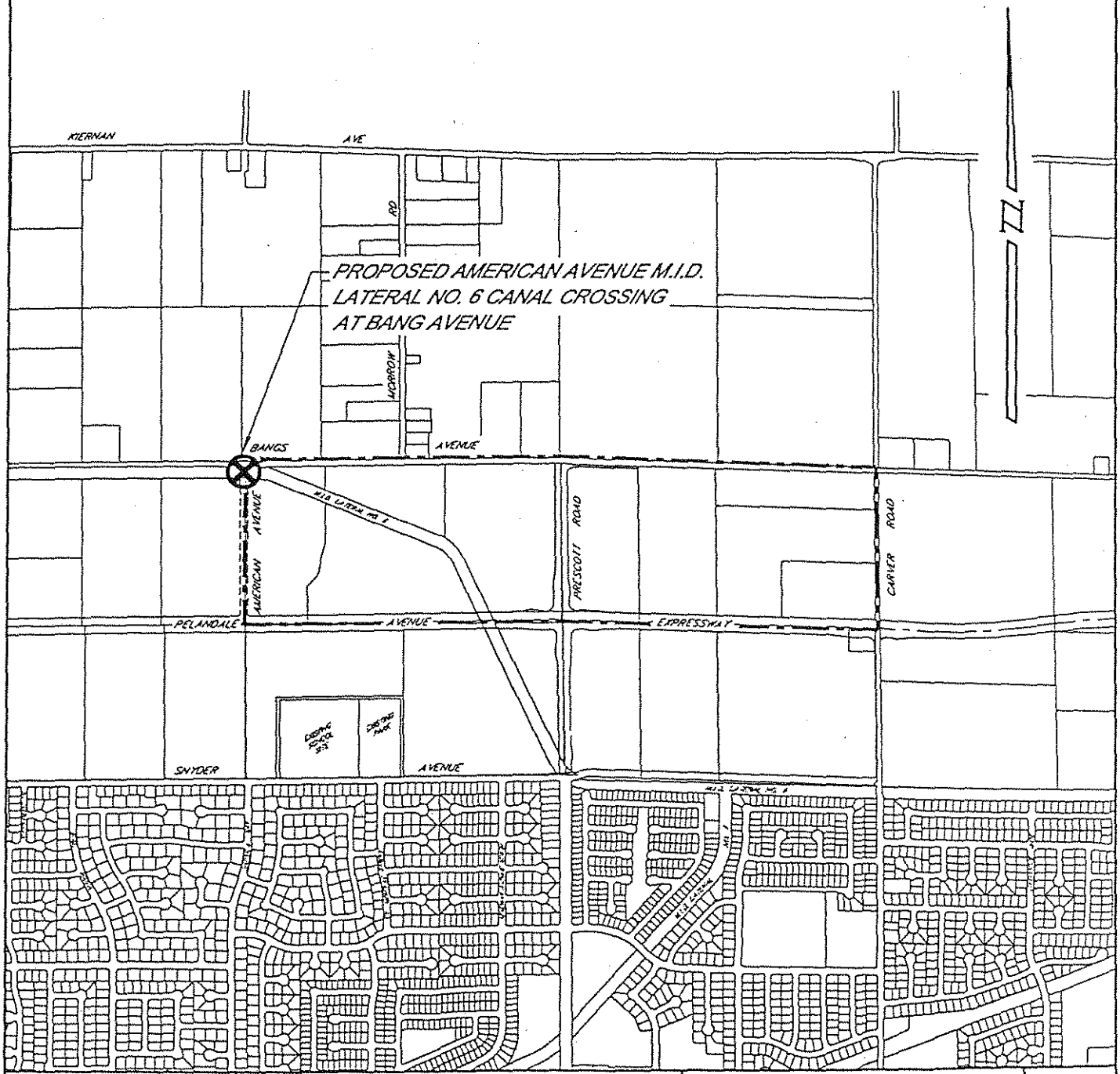
CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
AMERICAN AVENUE
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
CULVERT CROSSING AT BANGS AVENUE
(REFERENCE FIGURE 6)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	LUMP SUM	LS	$15,000.00	$15,000
2.	EARTHWORK	LUMP SUM	LS	$23,750.00	$23,750
3.	CAST-IN-PLACE REINFORCED CONCRETE 4.5' x 12' DOUBLE BOX CULVERT	LUMP SUM	LS	$125,000.00	$125,000
4.	INLET STRUCTURE	1	EA	$21,200.00	$21,200
5.	OUTLET STRUCTURE	1	EA	$21,200.00	$21,200
6.	FENCING	LUMP SUM	LS	$4,370.00	$4,370
7.	UTILITY RELOCATION	1	EST	$10,000.00	$10,000
				CONSTRUCTION TOTAL =====>	$220,520
				15% CONTINGENCY =====>	$33,078
				TOTAL CONSTRUCTION FOR AMERICAN AVENUE CULVERT CROSSING =====>	$253,598
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,215.88	$15,216
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,607.94	$7,608
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,143.92	$10,144
4.	GEOTECHNICAL	1	EST	$5,000.00	$5,000
5.	MID PERMITTING	1	EST	$3,500.00	$3,500
				TOTAL FEES =====>	$41,468
				GRAND TOTAL =====>	**$295,066**

NOTES:

1. THE ABOVE ESTIMATE INCLUDES THE COST TO INSTALL AN ULTIMATE CROSSING TO ACCOMMODATE THE 64' ULTIMATE AMERICAN AVENUE CROSS SECTION AS SHOWN ON EXHIBIT 4-5 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN.

M.I.D. LATERAL NO. 6
AMERICAN AVENUE CANAL CROSSING



Drawn	J.FREITAS
Date	4-29-98
Scale	
Job No.	71-159.16
Dwg.	FIG-6

FIGURE 6

CARVER BANGS CFD FORMATION

mid-valley engineering

900 H ST. STE. G . MODESTO, CALIFORNIA . 95354
(209) 526-4214

FAX (209) 526-0803

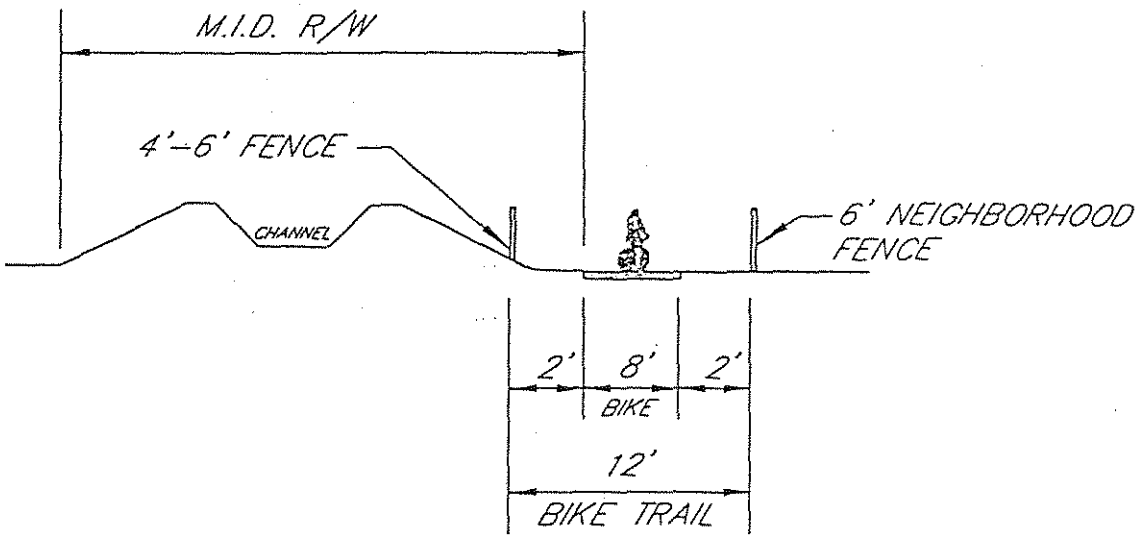
SHEET 1 OF 1

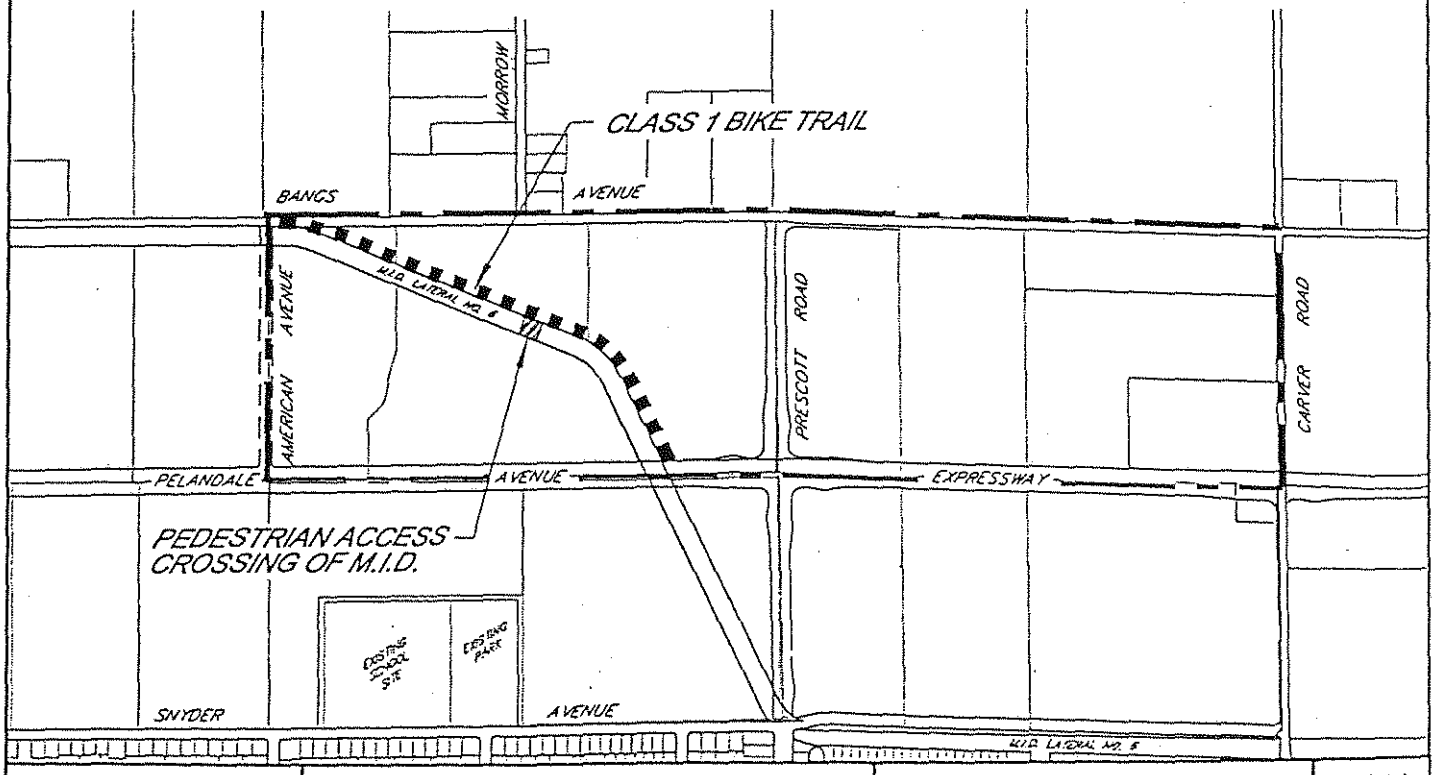
23-Oct-98
JOB 71159

CARVER-BANGS SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
CLASS I BIKE TRAIL
AND
PEDESTRIAN ACCESS CROSSING OF
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
(REFERENCE FIGURE 7)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	**DESIGN PARAMETERS**				
1.	INSTALL 12' BIKE TRAIL SYSTEM (8' PATH WITH TWO-2' SHOULDER AREAS) IN ACCORDANCE WITH EXHIBIT 4-7 OF THE ADOPTED CARVER BANGS SPECIFIC PLAN				
2.	TOTAL LENGTH 2180 L.F. OR 0.413 MILES				
3.	THE CITY'S CFF PROGRAM HAS THE FOLLOWING CLASS I BIKE TRAIL COSTS INCLUDED:				
	Existing CFF Portion				
	0.413 Miles x $105,600 =	$43,613			
II.	**CLASS I BIKE TRAIL**				
A.	CONSTRUCTION				
1.	8' BIKE PATH	17,440	SF	$2.00	$34,880
2.	2' GRAVEL SHOULDER EACH SIDE (2" DECOMPOSED GRANITE)	8,720	SF	$0.30	$2,616
3.	4-6' FENCE	2,180	LF	$16.00	$34,880
4.	PEDESTRIAN ACCESS CROSSING	LUMP SUM	LS	$50,000.00	$50,000
				CONSTRUCTION TOTAL =====>	$122,376
				10% CONTINGENCY =====>	$12,238
				TOTAL BIKE PATH =====>	$134,614
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$8,076.82	$8,077
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,038.41	$4,038
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$5,384.54	$5,385
				TOTAL FEES =====>	$17,500
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION (10' WIDE; ASSUME 2' JOINT USE OF EXISTING MID RIGHT-OF-WAY)	0.50	AC	$65,000.00	$32,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$1,500.00	$1,500
				TOTAL LAND ACQUISITION =====>	$34,000
				GRAND TOTAL =====>	$186,113
				CFF PORTION =====>	$43,613
				TOTAL CARVER BANGS CFD PORTION =====>	**$142,500**

CLASS 1 BIKE PATH / PEDESTRIAN ACCESS CROSSING OF M.I.D. NO.6





Drawn	J.R.M.
Date	7-28-98
Scale	
Job No.	71-159.16
Dwg.	FIG-7

FIGURE 7

CARVER BANGS CFD FORMATION

mid-valley engineering

900 H ST. STE. G , MODESTO, CALIFORNIA . 95354

(209) 526-4211

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PELANDALE-SNYDER
(TAX AREA B)

DETAILED FACILITY COST ESTIMATES

23-Oct-98
JOB 71159

PELANDALE / SNYDER SPECIFIC PLAN AREA (TAX AREA B)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

A.	STORM DRAINAGE	$4,389,042
B.	DALE ROAD	$531,075
C.	PRESCOTT ROAD	$628,297
D.	TULLY ROAD	$1,011,016
E.	SNYDER AVENUE	$52,743
F.	CLASS I BIKE TRAIL	$752,675
G.	FORMATION COSTS	$67,500
	TOTAL CFD COSTS ====>	**$7,432,348**

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE AND ADMINISTRATION COSTS ARE EST $852 PER NET ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLU WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.

23-Oct-98
JOB 71159

PELANDALE / SNYDER SPECIFIC PLAN AREA (TAX AREA B)
COMMUNITY FACILITIES
DISTRICT FORMATION
COST SUMMARY

A.	STORM DRAINAGE	$4,389,042 ~~$4,000,232~~
B.	DALE ROAD	$531,075
C.	PRESCOTT ROAD	$628,297
D.	TULLY ROAD	$1,011,016
E.	SNYDER AVENUE	$52,743
F.	CLASS I BIKE TRAIL	$752,675
G.	FORMATION COSTS	$67,500
	TOTAL CFD COSTS =====>	~~$7,043,538~~ $7,432,348

NOTE:

1. THE ABOVE TOTAL COSTS DO NOT INCLUDE THE ANNUAL LANDSCAPE MAINTENANCE COSTS FOR THE PLAN AREA. THE ANNUAL LANDSCAPE MAINTENANCE AND ADMINISTRATION COSTS ARE ESTIMATED AT $852 PER NET ACRE.

2. FINAL BID QUANTITIES MAY INCLUDE MORE DETAILED LINE ITEMS WHICH SHALL BE ALL INCLUSIVE WITHIN LUMP SUM AMOUNTS OR QUANTITIES SHOWN IN THIS DOCUMENT.

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
STORM DRAIN TRUNK LINES
AND
PROPORTIONATE SHARE OF
STORM DRAIN BASIN AND APPURTENANCES
(REFERENCE FIGURE 1)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I. STORM DRAIN TRUNK LINES					
A. CONSTRUCTION					
1.	36" STORM	400	LF	$121.00	$48,400
2.	42" STORM	1,874	LF	$155.00	$290,470
3.	48" STORM	3,661	LF	$161.00	$589,421
4.	54" STORM	5,242	LF	$182.00	$954,044
5.	PROPORTIONATE SHARE 54" TO BASIN	108	LF	$182.00	$19,656
6.	MANHOLES	29	EA	$5,750.00	$166,750
				SUB-TOTAL STORM DRAIN TRUNK LINES =====>	$2,068,741
				10% CONTINGENCY =====>	$206,874
				TOTAL CONSTRUCTION - STORM DRAIN TRUNK LINES =====>	$2,275,615
II. STORM DRAINAGE BASIN FACILITIES					
B. CONSTRUCTION					
1.	STORM DRAIN BASIN EXCAVATION	100,372	CY	$6.00	$602,232
2.	STORM DRAIN PUMP STATION	LUMP SUM	LS	$389,555.00	$389,555
3.	STORM DRAIN PIPING (PLUS JACK & BORE)	LUMP SUM	LS	$21,057.00	$21,057
4.	FENCING	2,890	LF	$16.00	$46,240
5.	LANDSCAPING	13,170	SF	$2.80	$36,876
6.	INLETS	LUMP SUM	LS	$7,019.00	$7,019
6.	CLEARING / DISCING / STRIPPING	LUMP SUM	LS	$7,019.00	$7,019
				SUB-TOTAL	$1,109,998
				10% CONTINGENCY =====>	$111,000
				TOTAL STORM DRAIN BASIN FACILITIES =====>	$1,220,998

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	FEES				
1.	ENGINEERING	1	EST	$70,192.00	$70,192
2.	STAKING	1	EST	$34,746.00	$34,746
3.	CONSTRUCTION MANAGEMENT	1	EST	$46,796.00	$46,796
4.	GEOTECHNICAL	1	EST	$12,635.00	$12,635
				TOTAL FEES ====>	$164,369
D.	LAND ACQUISITION				
1.	LAND PURCHASE	70.39% OF TOTAL COST OF $1,030,239 =			$725,185
2.	ADMINISTRATION	LUMP SUM	LS	$2,875.00	$2,875
				TOTAL LAND ACQUISITION ====>	$728,060
				PELANDALE - SNYDER STORM DRAIN FACILITIES TOTAL ====>	**$4,389,042**

NOTES:

1. THE PELANDALE-SNYDER PROPORTIONATE SHARE OF THE STORM DRAIN BASIN AND APPURTENANCES WAS DERIVED FROM A PER GROSS ACRE SHARE. THE FOLLOWING REPRE THE FORMULA USED FOR CONSTRUCTION AND FEES:

   A. GROSS ACREAGE SUMMARY

PELANDALE / SNYDER	357.46
CARVER / BANGS	151.80
TOTAL GROSS ACRES ====>	509.26

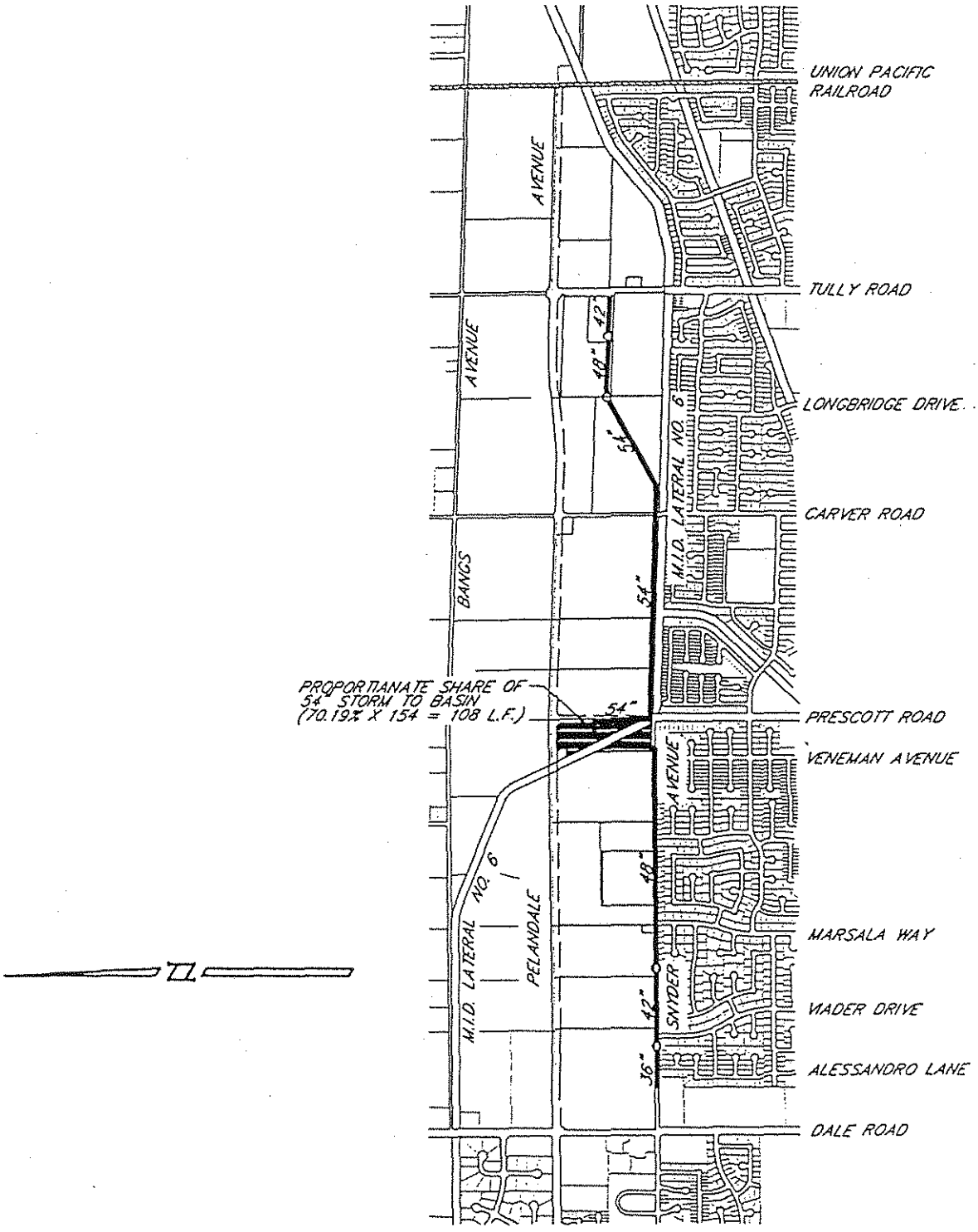
   B. PELANDALE / SNYDER PROPORTIONATE SHARE

357.46 / 509.26 =	70.19%

2. STORM DRAIN TRUNK LINE AND BASIN SIZING WERE TAKEN FROM THE PELANDALE-SNYDER A CARVER-BANGS STORM DRAINAGE SYSTEM PLANS DATED AUGUST 5, 1998 PREPARED BY MID VALLEY ENGINEERING, INC.

3. STORM DRAIN BASIN EXCAVATION INCLUDES BUT IS NOT LIMITED TO THE FOLLOWING: PIPE D DRAINS, SPLASH PADS, LOW FLOW CHANNEL AND ROCK TRENCH, A.C. PAVING, DISPOSAL AR GROUND PREPARATION, 6" A.C. BERMS, AND REMOVAL OF EXISTING IRRIGATION LINES.

BACKBONE STORM DRAIN SYSTEM



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332
Dwg.	FIG-1

FIGURE 1

PELANDALE SNYDER CFD FORMATION

mid-valley engineering
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(209) 526-4214
FAX (209) 526-0803

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
DALE ROAD (CENTER 20' C.L. TO C.L.)
AND EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS
SNYDER AVENUE TO PELANDALE AVENUE (1,350' C.L. TO C.L.)
(REFERENCE FIGURE 2)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I. DALE ROAD CENTER 20 FEET					
A. CONSTRUCTION					
1.	SAWCUT AND REMOVE EXISTING PAVEMENT	26,400	SF	$1.50	$39,600
2.	MEDIAN CURB	2,690	LF	$15.00	$40,350
3.	MEDIAN COVER	17,520	SF	$3.50	$61,320
4.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10; R.V. = 50)	5,280	SF	$2.00	$10,560
5.	STRIPING	LUMP SUM	LS	$5,000.00	$5,000
				CONSTRUCTION TOTAL =====>	$156,830
				10% CONTINGENCY =====>	$15,683
				TOTAL DALE ROAD CONSTRUCTION =====>	$172,513
B. FEES					
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$10,350.78	$10,351
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$5,175.39	$5,175
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,900.52	$6,901
				TOTAL FEES =====>	$22,427
				DALE ROAD CENTER 20 FEET GRAND TOTAL =====>	$194,940

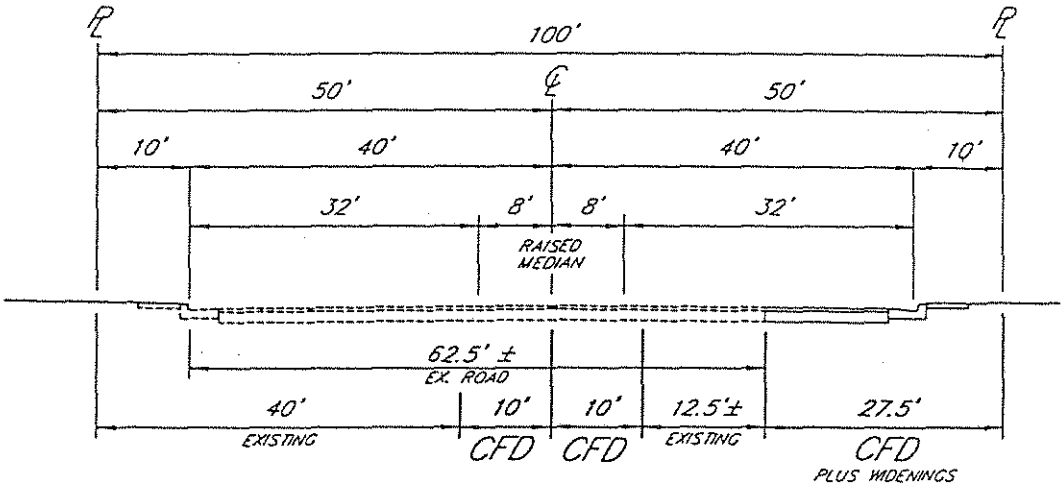
Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II. EAST SIDE DALE ROAD FRONTAGE IMPROVEMENTS					
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	30,492	SF	$0.60	$18,295
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)	22,104	SF	$2.00	$44,208
3.	STORM DRAINAGE				
a.	12" STORM DRAIN	800	LF	$30.00	$24,000
b.	15" STORM DRAIN	420	LF	$37.00	$15,540
c.	CATCH BASINS	2	EA	$1,000.00	$2,000
d.	12" CATCH BASIN RUNS	100	LF	$30.00	$3,000
e.	MANHOLES	2	EA	$2,000.00	$4,000
4.	10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS	12,300	SF	$3.00	$36,900
5.	6" VERTICAL CURB AND GUTTER	1,230	LF	$9.00	$11,070
6.	RETURN AT PELANDALE AVENUE	1	EA	$1,000.00	$1,000
7.	ELECTROLIERS	3	EA	$3,500.00	$10,500
8.	LANDSCAPING (12' WIDE STRIP)	14,760	SF	$2.80	$41,328
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COSTS)	1	EST	$3,125.16	$3,125
10.	TRAFFIC CONTROL	LUMP SUM	LS	$4,500.00	$4,500
11.	TRAFFIC SIGNAL INTERCONNECT	1,230	LF	$10.00	$12,300
12.	PRIMECOAT	22,104	SF	$0.02	$442
				CONSTRUCTION TOTAL =====>	$232,208
				10% CONTINGENCY =====>	$23,221
				TOTAL DALE ROAD CONSTRUCTION =====>	$255,429
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,325.76	$15,326
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,662.88	$7,663
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,217.17	$10,217
				TOTAL FEES =====>	$33,206
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.70	AC	$65,000.00	$45,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$47,500
				DALE ROAD FRONTAGE GRAND TOTAL =====>	$336,135
				DALE ROAD GRAND TOTAL =====>	**$531,075**

NOTE:

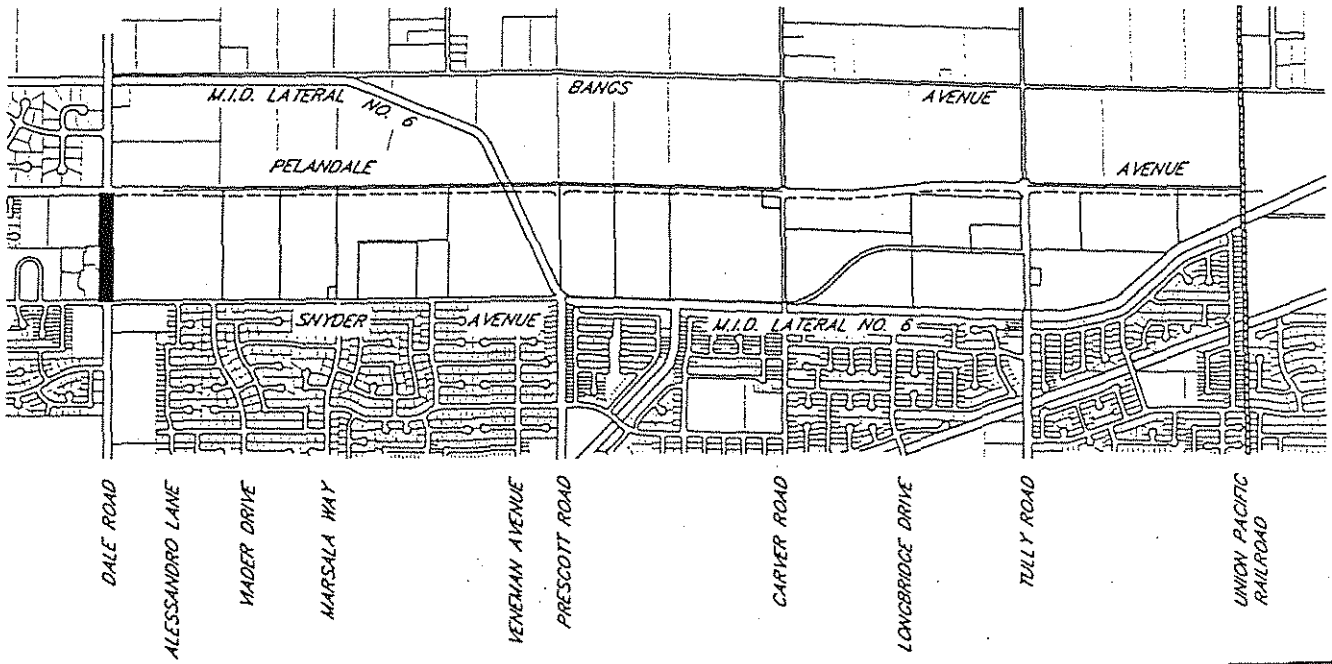
1. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

DALE ROAD



NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

SNYDER AVENUE TO PELANDALE AVENUE



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332
Dwg.	FIG-1

FIGURE 2

PELANDALE SNYDER CFD FORMATION

mid-valley engineering

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23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
PRESCOTT ROAD
WEST SIDE FRONTAGE IMPROVEMENTS ADJACENT
TO STORM DRAIN BASIN
AND EAST SIDE FRONTAGE IMPROVEMENTS
PELANDALE AVENUE TO SNYDER AVENUE (1,316' C.L. TO C.L.)
(REFERENCE FIGURE 3)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	**PRESCOTT ROAD WEST SIDE FRONTAGE IMPROVEMENTS (ADJACENT TO STORM DRAIN BASINS)**				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	37,530	SF	$0.60	$22,518
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	18,525	SF	$2.00	$37,050
3.	2" A.C. OVERLAY (EXISTING INTERIM PRESCOTT)	17,100	SF	$0.60	$10,260
4.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	100	LF	$30.00	$3,000
c.	MANHOLES	1	EA	$2,000.00	$2,000
5.	6" VERTICAL CURB AND GUTTER	1,200	LF	$9.00	$10,800
6.	10' SIDEWALK	12,000	SF	$3.00	$36,000
7.	RETURNS	2	EA	$1,000.00	$2,000
8.	ELECTROLIERS	4	EA	$3,500.00	$14,000
9.	PRIMECOAT	18,525	SF	$0.02	$371
				CONSTRUCTION TOTAL =====>	$139,999
				10% CONTINGENCY =====>	$14,000
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$153,998
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$9,239.90	$9,240
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$4,619.95	$4,620
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$6,159.93	$6,160
				TOTAL FEES =====>	$20,020
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.20	AC	$65,000.00	$78,000
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$80,000
				PRESCOTT ROAD WEST SIDE FRONTAGE TOTAL =====>	$254,018

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October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	**PRESCOTT ROAD EAST SIDE FRONTAGE IMPROVEMENTS**				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	37,530	SF	$0.60	$22,518
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10 R.V. = 50)	41,400	SF	$2.00	$82,800
3.	STORM DRAINAGE				
a.	CATCH BASINS	2	EA	$1,000.00	$2,000
b.	12" CATCH BASIN RUNS	100	LF	$30.00	$3,000
c.	MANHOLES	1	EA	$2,000.00	$2,000
4.	6" VERTICAL CURB AND GUTTER	1,200	LF	$9.00	$10,800
5.	10' SIDEWALK WITH TREEWELL AND VINE BLOCKOUTS	12,000	SF	$3.00	$36,000
6.	RETURNS	4	EA	$800.00	$3,200
7.	ELECTROLIERS	3	EA	$3,500.00	$10,500
8.	LANDSCAPING (12' WIDE STRIP)	14,400	SF	$2.80	$40,320
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$5,265.90	$5,266
10.	TRAFFIC CONTROL	LUMP SUM	LS	$2,500.00	$2,500
11.	TRAFFIC SIGNAL INTERCONNECT	1,200	LF	$10.00	$12,000
12.	PRIMECOAT	41,400	SF	$0.02	$828
				CONSTRUCTION TOTAL =====>	$233,732
				10% CONTINGENCY =====>	$23,373
				TOTAL PRESCOTT ROAD CONSTRUCTION =====>	$257,105
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,426.31	$15,426
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,713.15	$7,713
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,284.20	$10,284
				TOTAL FEES =====>	$33,424
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.25	AC	$65,000.00	$81,250
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$83,750
				PRESCOTT ROAD EAST SIDE FRONTAGE TOTAL =====>	$374,279
				PRESCOTT ROAD GRAND TOTAL =====>	**$628,297**

Pelandale-Snyder Specific Plan Area
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NOTES:

1. THE ABOVE ESTIMATE ASSUMES THE PHASE 1A INTERIM PELANDALE AVENUE WILL BE CONSTRUCTED ON THE WEST SIDE OF PRESCOTT AND A PORTION OF THE IMPROVEMENTS (APPROXIMATELY 650 L.F. FROM THE SNYDER INTERSECTION) WILL BE REMOVED FOR THE ULTIMATE IMPROVEMENTS. THE REMAINING INTERIM SECTION IS ASSUMED TO REMAIN AND BE OVERLAYED WITH 2" A.C.

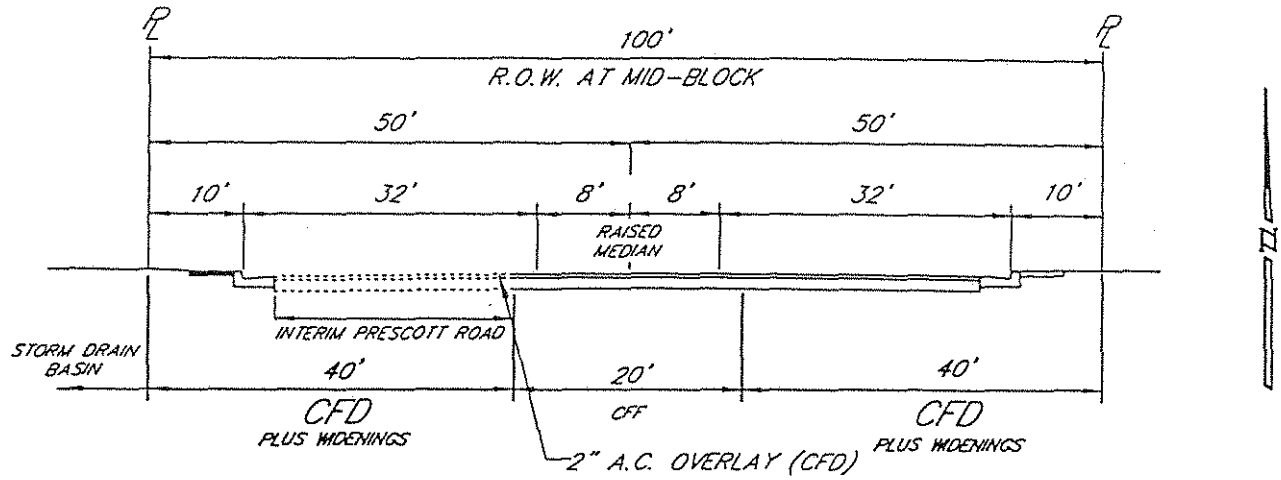
2. THE ABOVE ESTIMATE DOES NOT INCLUDE THE CENTER 20' PORTION OF PRESCOTT ROAD SINCE IT IS INCLUDED IN THE CFF PROGRAM.

3. THE ABOVE ESTIMATE DOES NOT INCLUDE THE MAINLINE STORM DRAIN IMPROVEMENTS SINCE THOSE COSTS ARE INCLUDED WITH THE STORM DRAIN COMPONENT OF THE CFD.

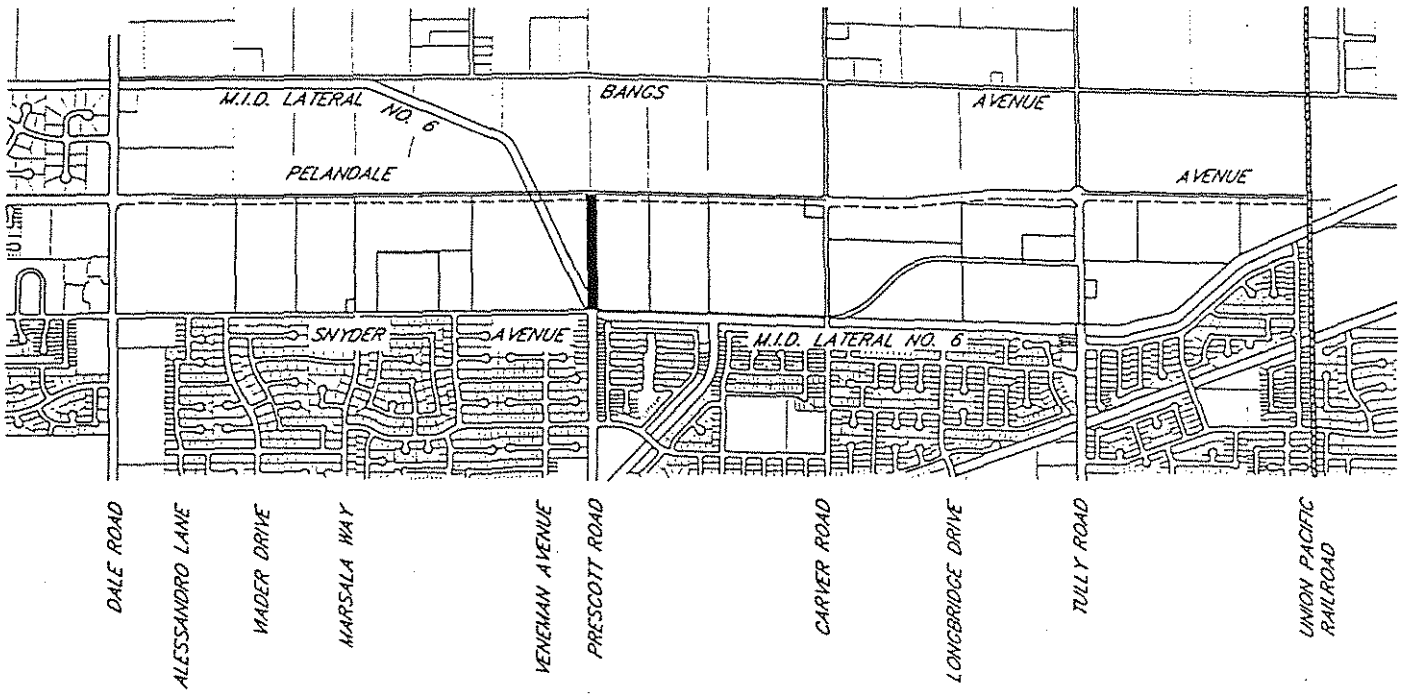
4. THE ABOVE ESTIMATE INCLUDES ALL NECESSARY CATCH BASINS. THIS CATCH BASIN ESTIMATE WAS TAKEN DIRECTLY FROM THE APPROVED "ALMOND VALLEY SUBDIVISION" IMPROVEMENT PLANS.

5. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

PRESCOTT ROAD



SNYDER AVENUE TO PELANDALE AVENUE



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332
Dwg.	FIG-4

FIGURE 3

PELANDALE SNYDER CFD FORMATION

mid-valley engineering

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23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES)
FROM EXISTING
MODESTO IRRIGATION DISTRICT LATERAL NO. 6
TO PELANDALE AVENUE (1,450' C.L. TO C.L.)
TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF
AND
TULLY / SNYDER TRAFFIC SIGNAL
(REFERENCE FIGURE 4)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	TULLY ROAD FRONTAGE IMPROVEMENTS (BOTH SIDES, 114 FOOT RIGHT-OF-WAY)				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	87,245	SF	$0.60	$52,347
2.	PAVEMENT (0.50' A.C. OVER 0.65' A.B., T.I. = 10, R.V. = 50)	81,410	SF	$2.00	$162,820
3.	STORM DRAINAGE				
a.	CATCH BASINS	4	EA	$1,000.00	$4,000
b.	12" STORM DRAIN	600	LF	$30.00	$18,000
c.	12" CATCH BASIN RUNS	200	LF	$30.00	$6,000
d.	MANHOLES	3	EA	$2,000.00	$6,000
4.	6" VERTICAL CURB AND GUTTER	2,432	LF	$9.00	$21,888
5.	10' SIDEWALK	24,320	SF	$3.00	$72,960
6.	REMOVE EXISTING CURB, GUTTER AND SIDEWALK ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD	717	LF	$20.00	$14,340
7.	CLEARING, GRADING AND DEMOLITION ALONG EXISTING IMPROVEMENTS EAST SIDE OF TULLY ROAD (LANDSCAPING, IRRIGATION, ETC.)	LUMP SUM	LS	$20,000.00	$20,000
8.	ELECTROLIERS	9	EA	$3,500.00	$31,500
9.	SIGNAGE AND STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$10,758.35	$10,758
10.	TRAFFIC CONTROL	LUMP SUM	LS	$7,000.00	$7,000
11.	TRAFFIC SIGNAL INTERCONNECT (ONE SIDE ONLY)	1,400	LF	$10.00	$14,000
12.	RELOCATE OVERHEAD POWER LINES	4	EA	$7,000.00	$28,000
13.	LANDSCAPING (12' WIDE STRIP BOTH SIDES)	36,996	SF	$2.80	$103,589
14.	PRIMECOAT	81,410	SF	$0.02	$1,628
				CONSTRUCTION TOTAL =====>	$574,830
				15% CONTINGENCY =====>	$86,225
				TOTAL CONSTRUCTION FOR TULLY ROAD FRONTAGE =====>	$661,055

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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$39,663.29	$39,663
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$19,831.65	$19,832
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$26,442.20	$26,442
				TOTAL FEES =====>	$85,937
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.776	AC	$65,000.00	$50,440
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,000.00	$2,000
				TOTAL LAND ACQUISITION =====>	$52,440
				TOTAL TULLY ROAD FRONTAGE =====>	**$799,432**
II.	**TULLY ROAD (CENTER 34 FEET) NOT FUNDED BY CFF**				
A.	CONSTRUCTION				
1.	SAWCUT AND REMOVE EXISTING PAVEMENT	27,360	SF	$1.50	$41,040
2.	MEDIAN CURB	3,090	LF	$15.00	$46,350
3.	MEDIAN LANDSCAPING	23,120	SF	$3.50	$80,920
4.	PAVEMENT (0.50' A.C. OVER 0.65' A.B.; T.I. = 10, R.V. = 50)	27,360	SF	$2.00	$54,720
5.	STRIPING	LUMP SUM	LS	$6,000.00	$6,000
				CONSTRUCTION TOTAL =====>	$229,030
				10% CONTINGENCY =====>	$22,903
				TOTAL CONSTRUCTION FOR TULLY ROAD CENTER 34' FEET =====>	$251,933
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$15,115.98	$15,116
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$7,557.99	$7,558
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$10,077.32	$10,077
				TOTAL FEES =====>	$32,751
				TOTAL TULLY ROAD CENTER 34 FEET =====>	$284,684
				TOTAL AMOUNT FUNDED BY CFF =====>	$220,000
				TOTAL TULLY ROAD (CENTER 34 FEET) FUNDED BY PELANDALE-SNYDER CFD =====>	**$64,684**
III.	**TRAFFIC SIGNAL AT TULLY ROAD AND SNYDER AVENUE**				
A.	CONSTRUCTION				
1.	TRAFFIC SIGNAL	LUMP SUM	LS	$130,000.00	$130,000
				CONSTRUCTION TOTAL =====>	$130,000

Pelandale-Snyder Specific Plan Area
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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$7,800.00	$7,800
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$3,900.00	$3,900
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$5,200.00	$5,200
				TOTAL FEES =====>	$16,900
				TOTAL TRAFFIC SIGNAL TULLY AND SNYDER =====>	**$146,900**
				TULLY ROAD GRAND TOTAL =====>	**$1,011,016**

NOTES:

1. THIS ESTIMATE ITEM II IS FOR THE ENTIRE COST OF THE CENTER 34 FEET OF TULLY ROAD IMPROVEMENTS. THE CENTER 34 FEET OF IMPROVEMENTS ON TULLY ROAD ARE FUNDED BY THE CFF PROGRAM, HOWEVER, THE FUNDS ARE NOT AVAILABLE FOR THE ENTIRE PROJECT SO A PORTION OF THE PROJECT NOT FUNDED BY CFF WILL BE FUNDED BY THE PELANDALE-SNYDER CFD.

2. THIS ESTIMATE IS BASED ON THE ASSUMPTION THAT THE CENTER 26+/- FEET OF EXISTING PAVEMENT WILL REMAIN AND ADJACENT DEVELOPMENT WILL BE REQUIRED TO MATCH EXISTING PAVEMENT.

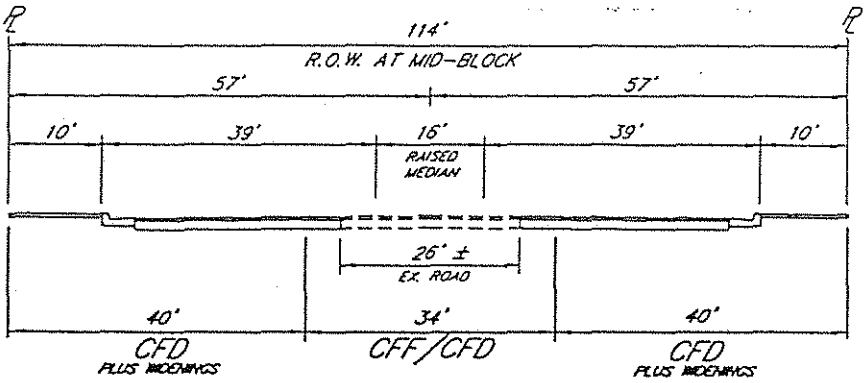
3. THE ABOVE COST ESTIMATE INCLUDES THE COST FOR IMPROVEMENTS FROM THE NORTH SIDE OF THE MODESTO IRRIGATION DISTRICT LATERAL TO PELANDALE AVENUE.

4. THE TULLY ROAD IMPROVEMENTS INCLUDE A COST TO REMOVE AND REPLACE THE EXISTING IMPROVEMENTS ALONG THE BIG VALLEY GRACE COMMUNITY CHURCH FRONTAGE (50' EXISTING TO 57' CITY STANDARD) TO BRING THE CROSS SECTION TO CITY STANDARD. HOWEVER, SPECIFIC DECELERATION OR ACCELERATION LANES WHICH ARE SITE SPECIFIC IMPROVEMENTS ARE NOT INCLUDED IN THE ESTIMATE.

5. THE RIGHT-OF-WAY COSTS ARE THE REQUIRED DEDICATIONS FOR RIGHT-OF-WAY BEYOND THE ALREADY EXISTING DEDICATIONS.

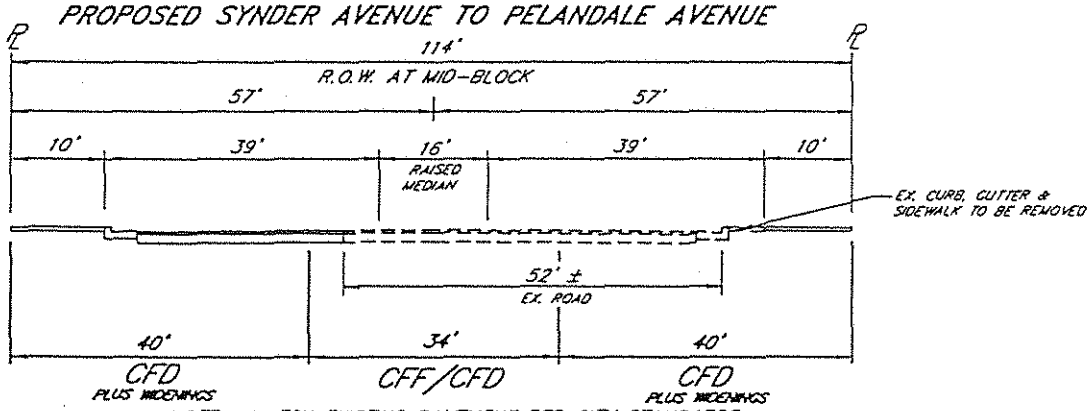
6. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

TULLY ROAD



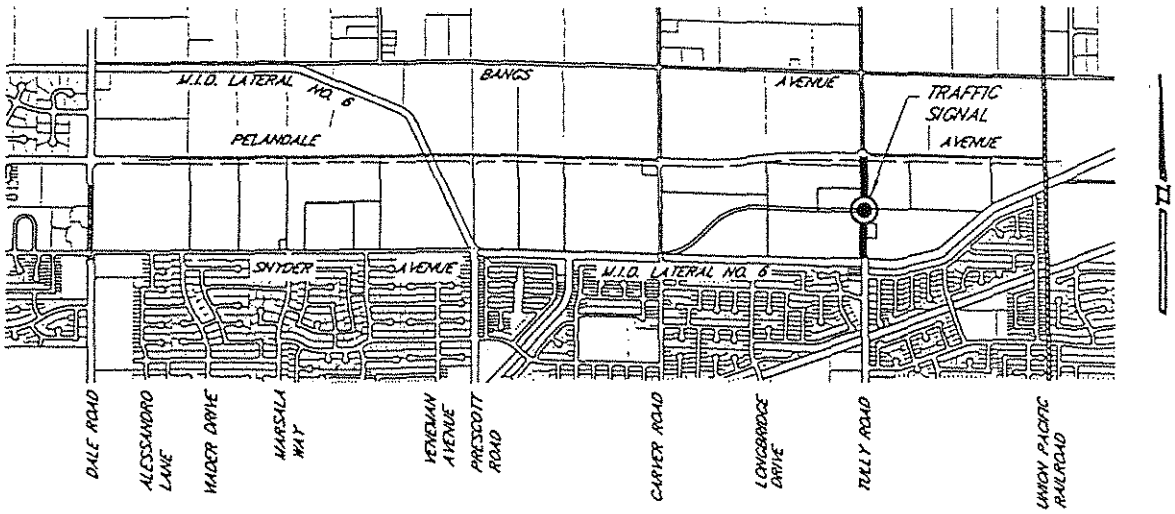
NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

PROPOSED SYNDER AVENUE TO PELANDALE AVENUE



NOTE: MATCH EXISTING PAVEMENT PER CITY STANDARDS

M.I.D. LATERAL NO. 6 TO PROPOSED SYNDER AVENUE



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332
Dwg.	FIG-5

FIGURE 4

PELANDALE SNYDER CFD FORMATION

mid-valley engineering

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SHEET 1 OF 1

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
SNYDER AVENUE
NORTH SIDE ADJACENT TO STORM DRAIN BASIN,
WEST OF PRESCOTT ROAD (352'), SOUTH SIDE
ADJACENT TO BIKE TRAIL FROM
PRESCOTT ROAD TO CARVER ROAD (2,639' C.L. TO C.L.)
(REFERENCE FIGURES 5, 5A, 5B, AND 5C)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	**SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN**				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	4,960	SF	$0.35	$1,736
2.	PAVEMENT (0.40' A.C. OVER 0.55' A.B., T.I. = 8 R.V. = 46)	4,085	SF	$2.00	$8,170
3.	6" VERTICAL CURB AND GUTTER	352	LF	$9.00	$3,168
4.	5' SIDEWALK	1,760	SF	$3.00	$5,280
5.	STORM DRAINAGE				
a.	12" STORM DRAIN	265	LF	$30.00	$7,950
b.	CATCH BASIN	1	EA	$1,000.00	$1,000
c.	STORM MANHOLE	1	EA	$2,500.00	$2,500
6.	SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$495.30	$495
7.	TRAFFIC CONTROL	LUMP SUM	LS	$1,000.00	$1,000
8.	IRRIGATION REMOVAL	316	LF	$10.00	$3,160
				CONSTRUCTION TOTAL =====>	$34,459
				10% CONTINGENCY =====>	$3,446
	TOTAL SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN CONSTRUCTION =====>				$37,905
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$2,274.31	$2,274
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$1,137.16	$1,137
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$1,516.21	$1,516
				TOTAL FEES =====>	$4,928
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	0.11	AC	$65,000.00	$7,410
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$9,910
	SNYDER AVENUE ADJACENT TO THE STORM DRAIN BASIN TOTAL =====>				**$52,743**

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ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
II.	**SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL**				
A.	CONSTRUCTION				
1.	CLEARING AND GRADING	51,575	SF	$0.35	$18,051
2.	PAVEMENT (0.40' A.C. OVER 0.55' A.B.; T.I. = 8, R.V. = 48)	47,020	SF	$2.00	$94,040
3.	PAVEMENT REMOVAL	59,730	SF	$1.50	$89,595
4.	6" VERTICAL CURB AND GUTTER	2,538	LF	$9.00	$22,842
5.	STORM DRAINAGE				
a.	12" CATCH BASIN RUNS (50 L.F. PER C.B.)	250	LF	$30.00	$7,500
b.	CATCH BASINS	5	EA	$1,000.00	$5,000
c.	STORM MANHOLE	5	EA	$2,500.00	$12,500
6.	ELECTROLIERS (660' INTERVALS)	4	EA	$3,500.00	$14,000
7.	SIGNING / STRIPING (5% OF GRADING AND PAVEMENT COST)	1	EST	$5,604.56	$5,605
8.	TRAFFIC CONTROL	LUMP SUM	LS	$5,000.00	$5,000
9.	ABANDON EXISTING PUMP STATION NO. 47	LUMP SUM	LS	$4,500.00	$4,500
				CONSTRUCTION TOTAL =====>	$278,633
				10% CONTINGENCY =====>	$27,863
				TOTAL SNYDER AVENUE ADJACENT TO BIKE TRAIL CONSTRUCTION =====>	$306,496
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$18,389.77	$18,390
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$9,194.88	$9,195
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$12,259.84	$12,260
				TOTAL FEES =====>	$39,844
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	1.58	AC	$65,000.00	$102,700
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$105,200
				SNYDER AVENUE ADJACENT TO THE BIKE TRAIL TOTAL =====>	**$451,541**
				SNYDER AVENUE GRAND TOTAL =====>	**$504,283**

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

NOTES:

A. SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN

1. THE SNYDER AVENUE IMPROVEMENTS ADJACENT TO THE STORM DRAINAGE BASIN, INCLUDE THE COST FOR IMPROVEMENT FROM THE WEST SIDE OF THE PROPOSED BASIN PROPERTY TO THE RETURN AT PRESCOTT ROAD.

2. THE RIGHT-OF-WAY COSTS IS THE AREA OF DEDICATION REQUIRED ASSUMING AN EXISTING 20 FOOT DEDICATION ON THE NORTH SIDE OF SNYDER AVENUE.

B. SNYDER AVENUE SOUTH SIDE ADJACENT TO BIKE TRAIL

1. THE SNYDER AVENUE IMPROVEMENTS INCLUDE THE COSTS FOR ROADWAY IMPROVEMENTS (EXCLUDING BIKE TRAIL) SOUTH OF THE CENTERLINE (20') FROM PRESCOTT ROAD TO CARVER ROAD.

2. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

3. NO "MAINLINE" STORM DRAIN IMPROVEMENTS ARE INCLUDED SINCE THOSE COSTS ARE INCLUDED WITHIN THE STORM DRAIN COMPONENT OF THE C.F.D.

4. NO COSTS ARE INCLUDED IN THIS ESTIMATE FOR THE CLASS I BIKE TRAIL ADJACENT TO SNYDER AVENUE.

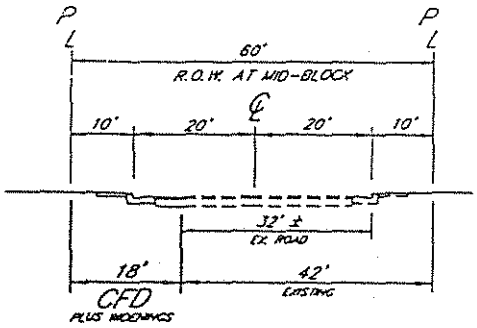
5. THE PAVEMENT REMOVAL QUANTITIES INCLUDES THE COST TO REMOVE THE ENTIRE EXISTING PAVEMENT SECTION FROM PRESCOTT ROAD TO CARVER ROAD.

6. THIS ESTIMATE INCLUDES A COST TO ABANDON EXISTING STORM DRAIN PUMP STATION NO. 47 ASSUMING CONNECTION TO THE POSITIVE STORM DRAIN SYSTEM.

7. NO COST FOR EXISTING POWER POLE RELOCATION IS INCLUDED IN COSTS.

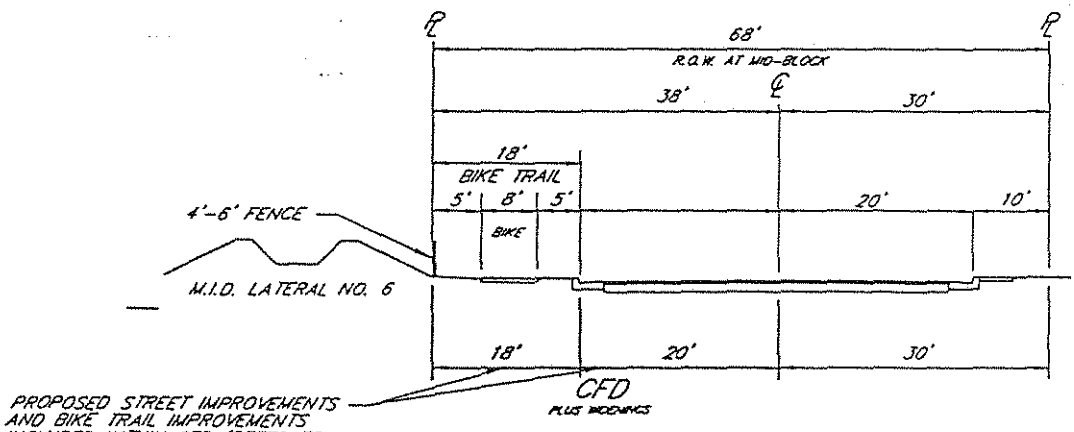
8. THE R-VALUE ASSUMPTIONS WERE DERIVED FROM SOILS REPORTS PREPARED BY KLEINFELDER, INC. FOR THE FOLLOWING SUBDIVISIONS: KENSINGTON PARK, TUSCANY, EASTPORT AND ALMOND VALLEY.

SNYDER AVENUE



SNYDER AVENUE ADJACENT TO STORM DRAIN BASIN (SEC. A)

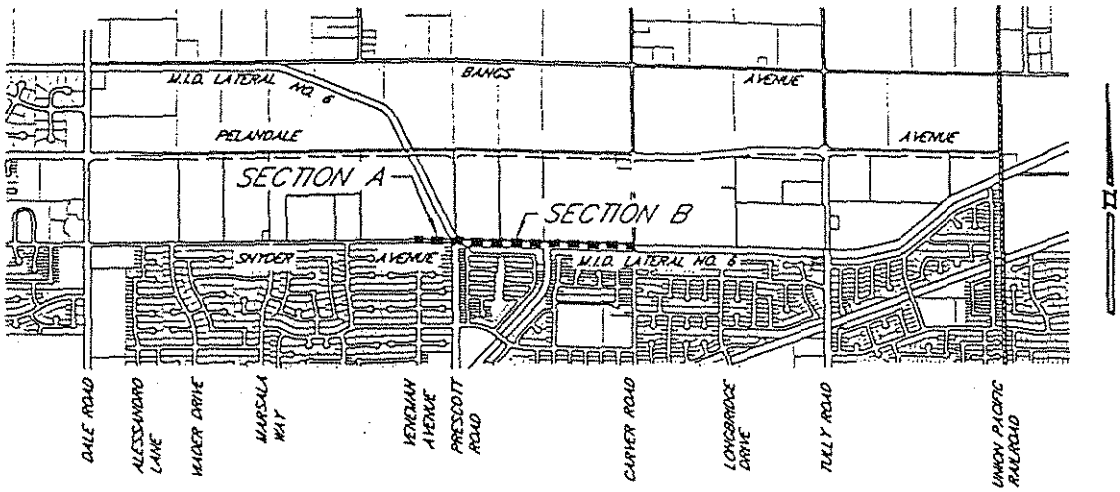
NOTES: 1) MATCH EXISTING PAVEMENT PER CITY STANDARDS



CARVER ROAD TO PRESCOTT ROAD (SEC. B)

NOTES:

1. REFER TO FIGURE 5A FOR A DETAILED CROSS SECTION OF THE PROPOSED NEW SNYDER ALIGNMENT
2. REFER TO FIGURE 5B FOR RIGHT-OF-WAY TAKE SUMMARY
3. REFER TO FIGURE 5C FOR PRESCOTT SNYDER INTERSECTION DETAIL

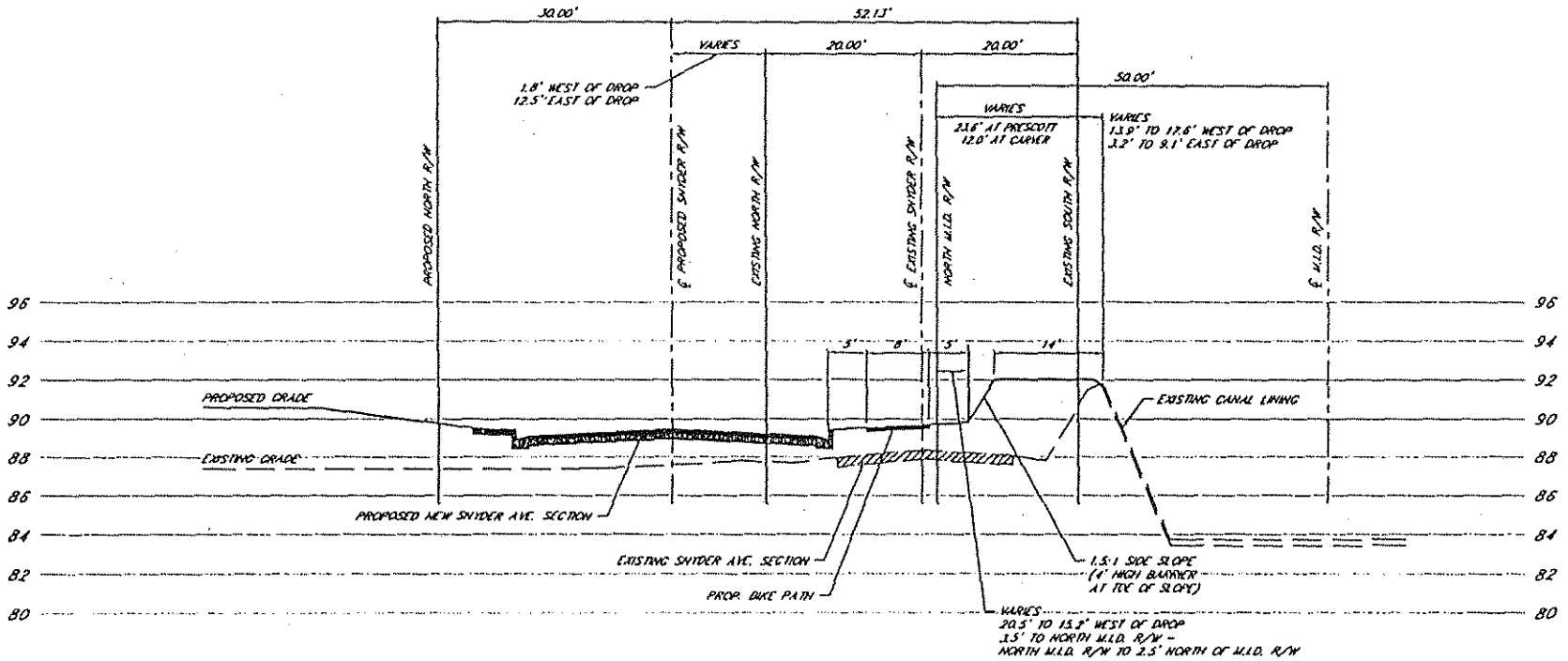


Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332
Dwg.	FIG-6

FIGURE 5

PELANDALE SNYDER CFD FORMATION

mid-valley engineering
900 H ST. STE. G, MODESTO, CALIFORNIA, 95354
FAX (209) 526-0803

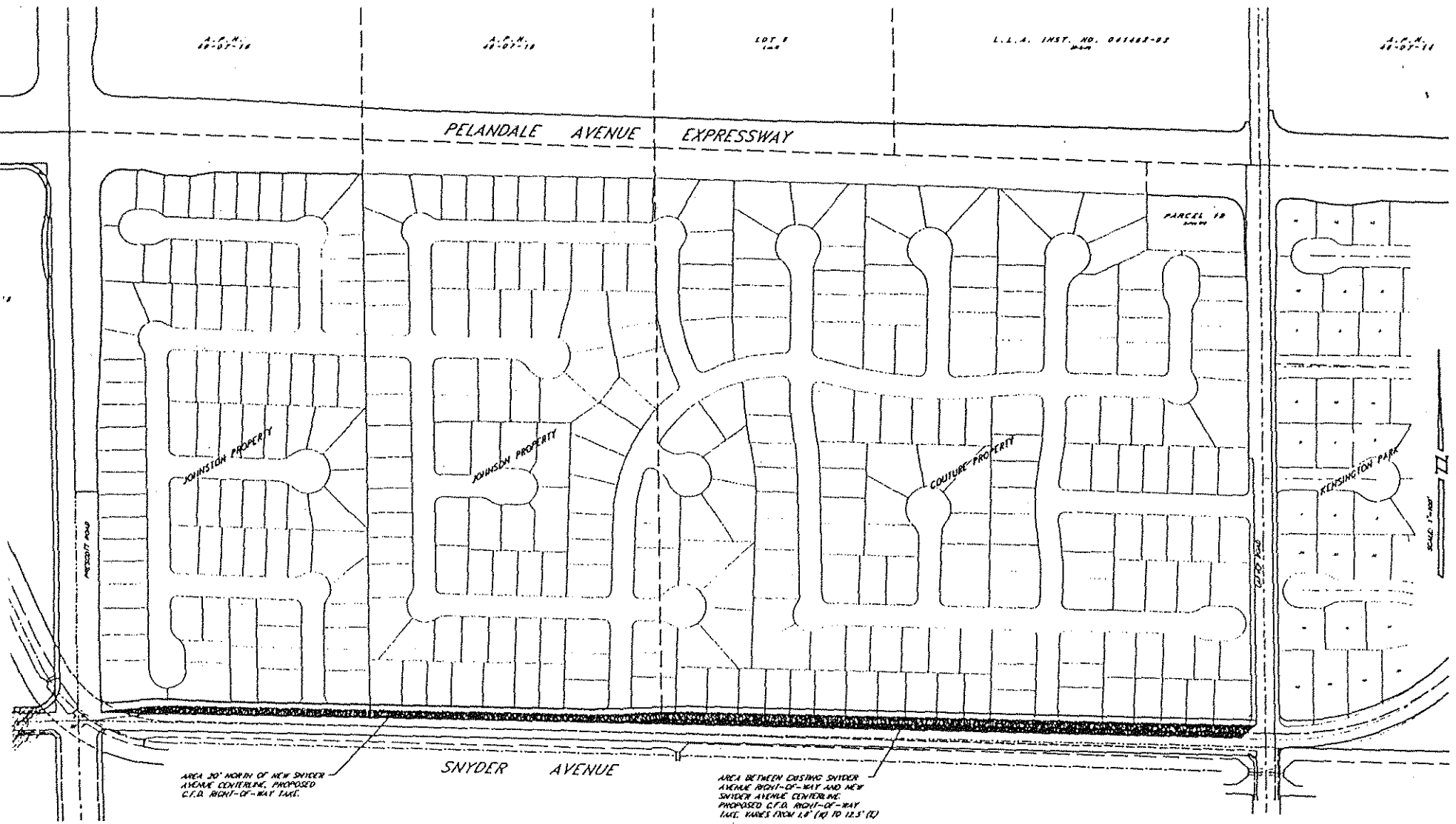


TYPICAL SECTION ALONG THE M.I.D. RIGHT-OF-WAY
BETWEEN
PRESCOTT ROAD AND CARVER ROAD

PROPOSED SNYDER AVENUE

FIGURE 5A

LAND PLANNING | PRELIMINARY ROADWAY SECTIONS



SUMMARY:

TOTAL AREA OF C.F.D. RIGHT-OF-WAY TAKE: 68957 S.F.

- JOHNSTON PROPERTY (A.P.N. 46-07-12) RIGHT-OF-WAY TAKE: 11916 S.F.
- JOHNSON PROPERTY (A.P.N. 46-07-11) RIGHT-OF-WAY TAKE: 14643 S.F.
- COUTURE PROPERTY (A.P.N. 46-07-13) RIGHT-OF-WAY TAKE: 42398 S.F.

mid-valley engineering
LAND PLANNING ENGINEERING & SURVEYING
900 H STREET, SUITE Q
MODESTO, CALIFORNIA, 95354
(209) 526-4211
FAX 526-0003

C.F.D. RIGHT-OF-WAY TAKE

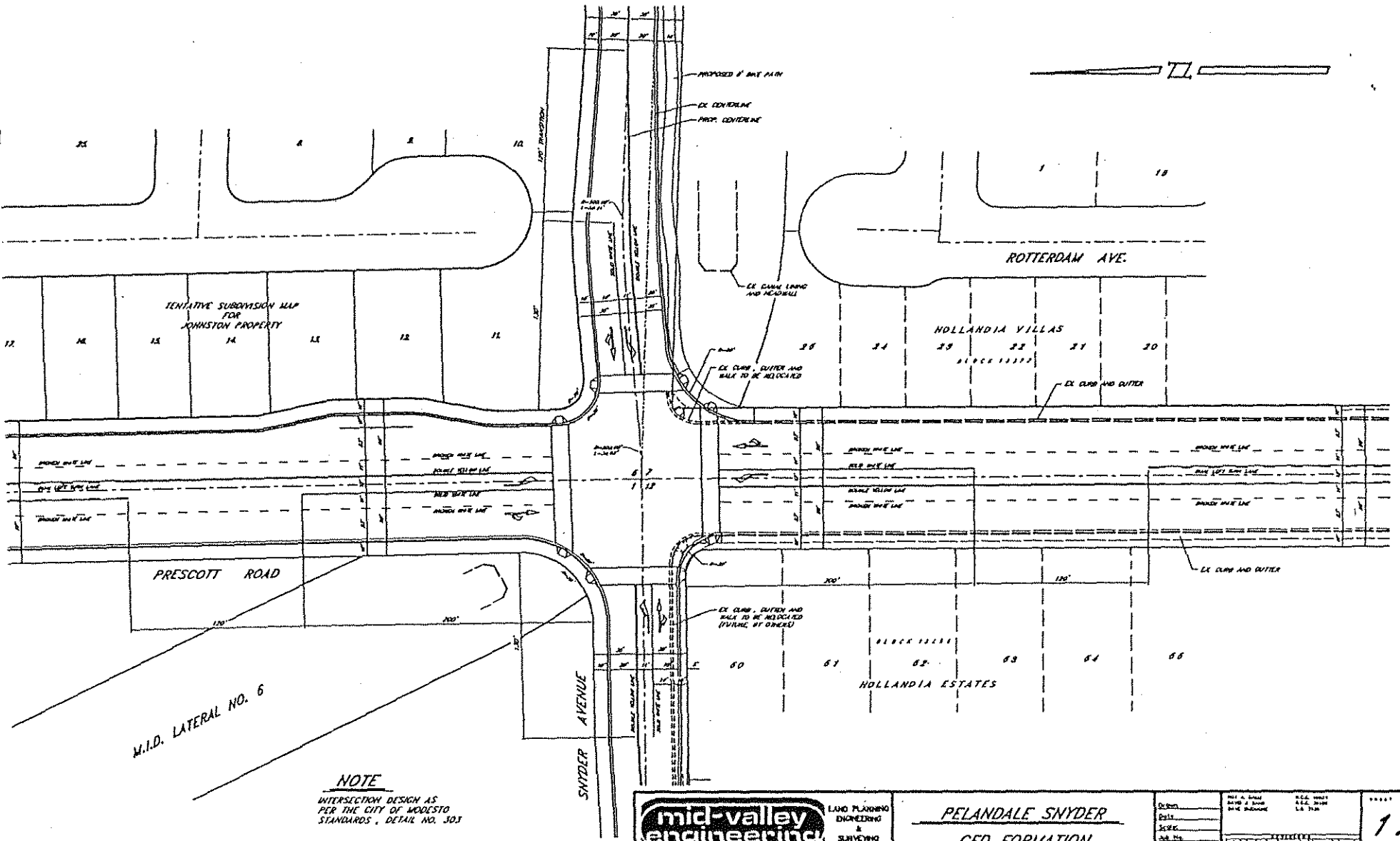
SNYDER AVENUE

MODESTO CALIFORNIA

Drawn R.B.C.
Date 6/30/94
Scale 1"=100'
Job No. 7113
Checked D.F.B.
Dwg. BASE
File No.

1.
1.

PRELIMINARY SNYDER / PRESCOTT INTERSECTION LAYOUT



NOTE

INTERSECTION DESIGN AS PER THE CITY OF MODESTO STANDARDS, DETAIL NO. 303

mid-valley engineering

LAND PLANNING ENGINEERING & SURVEYING

800 H STREET, SUITE G
MODESTO, CALIFORNIA, 95354

(209) 526-1716
FAX 526-0803

PELANDALE SNYDER

CFD FORMATION

MODESTO CALIFORNIA

1.

23-Oct-98
JOB 71159

PELANDALE-SNYDER SPECIFIC PLAN AREA
COMMUNITY FACILITIES DISTRICT
PRELIMINARY ENGINEER'S ESTIMATE
FOR
BIKE TRAIL SYSTEM
(REFERENCE FIGURE 6)

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
I.	**DESIGN PARAMETERS**				
1.	INSTALL 18' BIKE TRAIL SYSTEM (8' PATH, 10' LANDSCAPING, AND 4-6' FENCE) ALONG SNYDER AVENUE FROM PRESCOTT ROAD TO CARVER ROAD.				
2.	INSTALL 25' BIKE TRAIL SYSTEM (8' PATH, 17' LANDSCAPING, AND 4-6' FENCE) ALONG MODESTO IRRIGATION DISTRICT LATERAL NO. 6 FROM CARVER ROAD TO THE UNION PACIFIC RAILROAD.				
3.	TOTAL LENGTH 8276 L.F. OR 1.567 MILES				
	EXISTING CFF PORTION	1.567	MILES	$105,600.00	$165,475
II.	**CLASS I BIKE TRAIL**				
A.	CONSTRUCTION				
1.	8' BIKE PATH WITH 2' GRAVEL SHOULDER (8,276 L.F. x 8')	66,208	SF	$2.00	$132,416
2.	4'-6' FENCE	8,276	LF	$16.00	$132,416
3.	LANDSCAPING (6' AREA FROM PRESCOTT TO CARVER (2,770 L.F.); 13' AREA FROM CARVER TO UNION PACIFIC RAILROAD (5,506 L.F.))	88,198	SF	$2.80	$246,954
				CONSTRUCTION TOTAL =====>	$511,786
				10% CONTINGENCY =====>	$51,179
				TOTAL BIKE PATH =====>	$562,965
B.	FEES				
1.	ENGINEERING (6% OF CONSTRUCTION TOTAL)	1	EST	$33,777.90	$33,778
2.	STAKING (3% OF CONSTRUCTION TOTAL)	1	EST	$16,888.95	$16,889
3.	CONSTRUCTION MANAGEMENT (4% OF CONSTRUCTION TOTAL)	1	EST	$22,518.60	$22,519
				TOTAL FEES =====>	$73,185

Pelandale-Snyder Specific Plan Area
Community Facilities District
Preliminary Engineer's Estimate
October 23, 1998

ITEM	DESCRIPTION	QUAN.	UNIT	UNIT COST	AMOUNT
C.	LAND ACQUISITION				
1.	RIGHT-OF-WAY DEDICATION	4.30	AC	$65,000.00	$279,500
2.	RIGHT-OF-WAY ADMINISTRATION	LUMP SUM	LS	$2,500.00	$2,500
				TOTAL LAND ACQUISITION =====>	$282,000
				BIKE PATH GRAND TOTAL =====>	$918,150
				CFF PORTION TOTAL =====>	$165,475
				TOTAL PELANDALE-SNYDER CFD PORTION =====>	**$752,675**

NOTES:

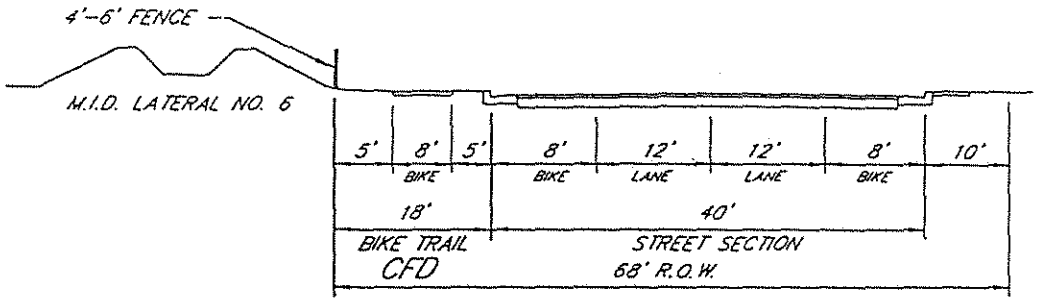
1. THE RIGHT-OF-WAY AREA TO BE INCLUDED WITHIN THIS CFD ALONG SNYDER AVENUE BETWEEN PRESCOTT ROAD AND CARVER ROAD IS AS FOLLOWS:

   A. VARYING RIGHT-OF-WAY WIDTH FROM 1.8+/- FEET TO 12.5+/- FEET FROM THE PROPOSED NEW SNYDER AVENUE CENTERLINE TO THE EXISTING SNYDER AVENUE DEDICATION.

   B. 20' WIDTH RIGHT-OF-WAY FROM PROPOSED NEW SNYDER CENTERLINE NORTH. ADJACENT DEVELOPMENT WOULD BE RESPONSIBLE FOR A 10 FOOT WIDTH RIGHT-OF-WAY DEDICATION ALONG THE NORTH SIDE OF SNYDER AVENUE.

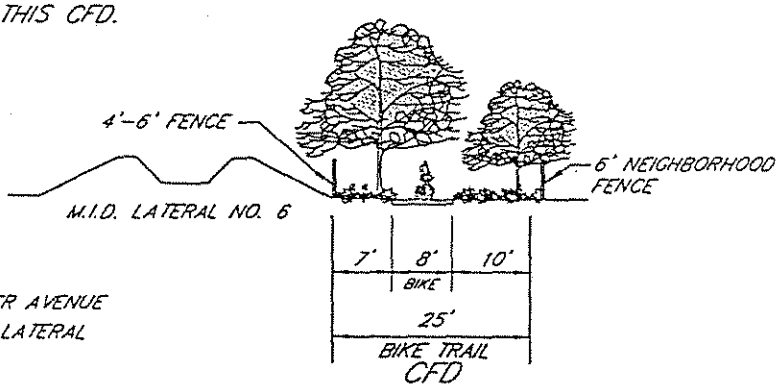
2. THIS ESTIMATE DOES NOT INCLUDE ANY COSTS ASSOCIATED WITH THE SNYDER AVENUE ROAD IMPROVEMENTS.

BIKE TRAIL



BIKE TRAIL ALONG SNYDER AVENUE

NOTE: SEE SNYDER AVENUE CROSS-SECTIONS FIGURE 5A FOR RIGHT-OF-WAY AND STREET IMPROVEMENTS INCLUDED WITHIN THIS CFD.



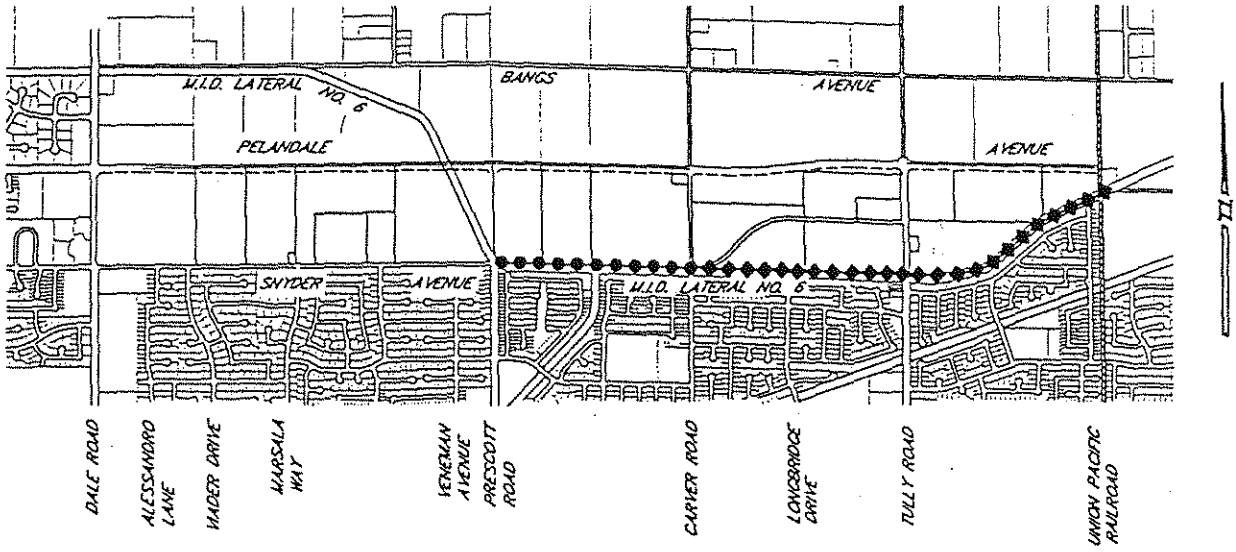
BIKE TRAIL ALONG M.I.D. LATERAL

LEGEND

IMPROVEMENTS:

●●●●● = BIKE TRAIL ALONG SNYDER AVENUE

◆◆◆◆◆ = BIKE TRAIL ALONG M.I.D. LATERAL



Drawn	J.R.M.
Date	8-13-98
Scale	
Job No.	70-332
Dwg.	FIG-7

FIGURE 6

PELANDALE SNYDER CFD FORMATION

mid-valley engineering

900 H ST. STE. G , MODESTO, CALIFORNIA , 95354

(209) 526-4214

FAX (209) 526-0803

EXHIBIT B

SAMPLE

OFFICIAL BALLOT

COMMUNITY FACILITIES DISTRICT NO. 1998-2
OF
THE CITY OF MODESTO
STATE OF CALIFORNIA
SPECIAL TAX ELECTION
December 15, 1998

BALLOT NO.

?% of land in territory proposed to be included in District
You are entitled to cast ? votes
(VOTER MAY REMOVE AND RETAIN THIS STUB)

INSTRUCTIONS TO VOTERS

To vote, make a mark (x) in the voting area to the right of the word "YES" or "NO". All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, call the Office of the City Clerk of the City of Modesto as soon as possible at (209) 577-5396, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. for instructions.

MARK YOUR CHOICE IN THIS MANNER ONLY: ☒

MEASURE SUBMITTED
TO VOTE OF VOTERS

Proposition A. Shall an appropriations limit in the amount of $1,000,000 per fiscal year be established for Community Facilities District No. 1998-2 (the "District") of the City of Modesto ("the City"), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in the City's Resolution of Formation to be considered by the City Council of the City of Modesto at a public hearing to be held on December 8, 1998, be levied within the District in order to finance certain public facilities and services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

YES ☐

NO ☐

BALLOT NO.

?% of land in territory proposed in the formation of the District
THIS BALLOT HAS A VALUE OF ? VOTES

MODESTO CITY COUNCIL
RESOLUTION NO. 98-654

Print

A RESOLUTION AMENDING RESOLUTION NO. 88-649, AS AMENDED, INCREASING CAPITAL FACILITIES FEES APPLICABLE ONLY TO NEW RESIDENTIAL DEVELOPMENT LACKING VESTED RIGHTS IN EXISTING COMMUNITY FACILITIES FEES, IMPLEMENTING AN INFLATOR MECHANISM FOR PROSPECTIVE ADJUSTMENTS OF CAPITAL FACILITIES FEES, AND DEFERRING CONSIDERATION OF ALL NON-RESIDENTIAL CAPITAL FACILITIES FEE CHANGES

WHEREAS, the City Council of the City of Modesto has adopted Modesto Municipal Code Sections 8-1.904 et seq. creating and establishing the authority for imposing and charging Capital Facilities Fees (CFF), and

WHEREAS, the current CFF are set forth in City Council Resolution 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176, 92-507, 94-409, 95-393, 97-122, and

WHEREAS, City staff has requested that Modesto City Council Resolution No. 88-649, as amended, be further amended to provide for inflation adjustments for CFF fees, and to increase CFF fees for new residential development not vested in existing residential CFF fees, and

WHEREAS, City staff has also requested that the City Council defer consideration of new fees for all non-residential categories, and

WHEREAS, the above-referenced resolutions previously adopted the current fees for police facilities, parks, recreations facilities, wastewater treatment facilities, fire facilities, other City facilities, and capital facilities fees administration, and

WHEREAS, since the adoption of the existing fees pursuant to the above-referenced resolutions, the City has received the CFF Update Report from Townhall Associates, dated June 25, 1998 and recommendations from City contract employee Charles Long in a memorandum dated December 8, 1998, which developed the information necessary to update the

above-referenced facilities requirements of the City with respect to future development as allowed under the City's 1995 General Plan, and recommended amendments to City Council Resolution No. 88-649, as amended, to make the above-referenced changes, and

WHEREAS, each of the above reports and memoranda has been made available for public inspection, and may be viewed during business hours in the Office of the City Clerk, and these documents establish the factual basis for adjusting or creating fees in accordance with their recommendations, and set forth the relationship between contemplated future development, the public facilities set forth in the memorandums and analyses, and the estimated cost of the facilities, and are incorporated fully herein by this reference, and

WHEREAS, the fees collected pursuant to this resolution shall be used to finance the municipal facilities identified in the above-referenced reports and analyses, which are incorporated herein by this referenced, and

WHEREAS, Initial Study CDD 98-62 has been prepared on the CFF Update and has concluded, in essence, that the CFF Update is within the scope of the Master Environmental Impact Report prepared on the City's General Plan in 1995 and that there are no new impacts not previously identified and no new environmental documentation is required, and

WHEREAS, after considering the above-referenced reports and analyses, and the testimony received at the public hearing, the City Council hereby approves and adopts the subject reports and analyses, and incorporates the same herein, and further finds that future development in the City of Modesto as set forth in the reports and analyses will generate additional demands on municipal services, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 4:00 p.m. on December 8, 1998, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council finds and determines that Paragraph No. 2 of Resolution No. 88-649, as amended by Resolution Nos. 89-373, 89-986, 89-1132, 90-36, 91-90, 91-703, 91-780, 92-176,

92-507, 94-409, 95-393, and 97-122, is hereby amended to change the CFF for single family dwelling units as follows:

2. AMOUNT OF CAPITAL FACILITIES FEE.

The fee for development of single family dwelling units shall be the sum of the amounts specified in the table below:

Category of Cost	Fee for Single Family Dwelling
Community Facilities CFF	
Fire	$ 139
Police	346
Parks	2,022
Governmental	416
Administration	93
Subtotal	$3,016
Transportation CFF	
Streets	2,726
Public Transportation	96
Air Quality	56
Subtotal	$2,878
Total	$5,894

Capital Facilities Fees for all other categories of development shall remain at their current levels, except for the annual inflation adjustment that is authorized and directed under this Resolution 98-654.

BE IT FURTHER RESOLVED by the City Council that the consideration of new CFF fees for all other categories of development other than residential subdivisions without vested rights in existing CFF fees shall be deferred until a future Council meeting.

BE IT FURTHER RESOLVED by the City Council that the total CFF charged to any residential unit or non-residential facility or use, as those terms are now or may in the future be defined, shall be administratively adjusted annually to account for inflation. The inflation

adjustment for existing vesting tentative subdivision maps will first be made on March 1, 1999 and then on the first of March each year thereafter. The inflation adjustment will be the change in the Bay Area engineering news record ("ENR") construction cost through the month of December of the year preceding each inflation adjustment. The inflation adjustment for all categories of development other than existing vesting tentative subdivision maps shall first be made on July 1, 1999 based on the ENR construction cost index for the Bay Area through the preceding April. Thereafter, an additional adjustment will be made on or about July 1st of each subsequent year. The Director of Engineering and Transportation of the City is hereby authorized and directed to administratively make the adjustments called for annually.

BE IT FURTHER RESOLVED by the City Council that the findings of Initial Study CDD 98-62 are hereby acknowledged, namely,

A. The CFF Update is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH# 92052017), and
B. The proposed CFF Update will have no new additional significant effect on the environment not identified in the Master EIR and no new or additional mitigation measures are required, and
C. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1), and
D. There are no specific features unique to this CFF Update that require project specific mitigation measures. All certified mitigation measures identified in the Master EIR will apply citywide including this project as appropriate.

BE IT FURTHER RESOLVED by the City Council that in addition to the 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:

(1) 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, wastewater treatment facilities, other City facilities, air quality facilities, public transportation facilities and street facilities, as well as the purchase of certain items of capital equipment.

(2) 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 increases Capital Facilities Fees to fund the Capital Facilities Fees 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 the Townhall Associates Update Report of June 25, 1998, and the Long report of December 8, 1998, and the testimony received at the public hearing, have established:

1. That there is a reasonable relationship between the need for the

public facilities designated in the reports and analyses, 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 types of development for which the corresponding fees are charged,

2. That there is a reasonable relationship between the fees, uses, and the type of development for which the fee is charged,

3. That 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,

4. That the cost estimates set forth in the reports are reasonable cost estimates for constructing these facilities, and that the fees expected to be generated by future developments will not exceed the total costs of constructing the public facilities just referenced,

5. The Long report and the Townhall Associates CFF Update Report establish a linkage or nexus between development in the City's Urban Reserve (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 Urban Reserve. Therefore, the term "development" as used in the preceding four subparagraphs shall include but not be limited to development that may be approved or allowed by Stanislaus County in the City's Urban Reserve prior to the annexation of said Urban Reserve 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 Urban Reserve area and collected by the City of Modesto,

6. The City Council further finds that the methods of allocation of the fee increments proposed in the Long report and the Townhall Associates CFF Update Report and enacted herein, do bear a fair and reasonable relationship to each development's burden on, and benefit from, the facilities to be funded by the respective fees.

BE IT FURTHER RESOLVED that the City will not unreasonably withhold the granting of an initial one year extension to the holder of a vesting tentative subdivision map for the sole purpose of making such maps subject to the increased CFF fees contained in this resolution.

BE IT FURTHER RESOLVED by the City Council that with respect to lots in final subdivisions that are currently under active development, and where the initial two-year vesting period has expired, and where all subdivision improvements have been installed, that a procedure will be implemented for listing such lots with the appropriate City department for the purpose of permitting those lots to develop under the current lower fee, and not be subject to the new fees enacted herein. The last day upon which such lots can be listed with the appropriate City department will be March 1, 1999. Thereafter, lots so listed would be permitted to pay the current (older) fee for building permits pulled through March 1, 2001. Any building permits pulled for listed lots after March 1, 2001, would be subject to the new higher fees contained herein.

BE IT FURTHER RESOLVED by the City Council that should any fee provision, clause, paragraph or subparagraph of this resolution or application thereof to any person or circumstances 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 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.

BE IT FURTHER RESOLVED by the City Council that this resolution shall take effect in accordance with law on January 7, 1999.

BE IT FURTHER RESOLVED by the City Council that to the extent any portion of any of the resolutions set forth above conflicts with any of the provisions of this resolution, the language of this resolution shall prevail, and the language in the previous resolution to the contrary is hereby superseded and revoked.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-656

Print

A RESOLUTION ORDERING THE COFFEE-CLARATINA REORGANIZATION TO THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO), by Resolution No. 98-07, dated October 28, 1998, approved the proposed Coffee-Claratina Reorganization to the City of Modesto (CITY), upon condition that it be processed as an uninhabited reorganization, and designated said Reorganization the Coffee-Claratina Reorganization, and

WHEREAS, the type of reorganization being acted on is an uninhabited annexation consisting of 83.480 acres of land to the City of Modesto and to the Modesto Municipal Sewer District No. 1, and a detachment of 83.480 acres from the Stanislaus Consolidated Fire Protection District, and

WHEREAS, said proposed Reorganization is located south of Claratina Avenue, East of McHenry Avenue, north of the existing City limits and west of Coffee Road, and

WHEREAS, LAFCO Resolution No. 98-07 indicated the following:

(a) The subject territory is within the primary area of the Modesto Sphere of Influenced and adjacent to the city limits.

(b) The boundaries, as proposed, would create an area, consisting of the Modesto Mobile Home park, which is substantially surrounded on five of the six sides by city limits and considered to be an island by LAFCO.

(c) Government Code Section 56109 prohibits the creation of an island unless otherwise determined by LAFCO pursuant to subdivision (o) of Section 56375.

(d) Government Code Section 56375(o) allows LAFCO to waive the restrictions of Section 56109 if it finds that the application of the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation is so located that it cannot be reasonably annexed to another city or incorporated as a new city.

(e) The Modesto Mobile Home Park is adjacent to the existing city limits and within the City of Modesto's Sphere of Influence and cannot reasonably annex to another city or incorporate as a new city.

(f) The Modesto Mobile Home Park is a unique social and economic community in the County which provides affordable rents to its residents and annexation of the park at this time could create undo financial burdens on its residents, and the ultimate loss of the affordable housing opportunity.

(g) The territory is determined to be uninhabited, and two of the six property owners have consented in writing to the filing of the petition.

(h) The City of Modesto has prepared a Specific Plan for the Coffee-Claratina Comprehensive Planning District.

(I) The proposal will result in planned, orderly and efficient development of the area and provision of services.

and

WHEREAS, LAFCO found that the substantially surrounded island, created by the exclusion of the Modesto Mobile Home Park, cannot be reasonably annexed to another city or incorporated as a new city; and that the inclusion of the island would be detrimental to the orderly development of the community at this time, as it could place undo financial burdens on the residents and ultimately the loss of an affordable housing opportunity in the County, and

WHEREAS, two of the six property owners in said uninhabited territory have consented in writing to the filing of a petition, and

WHEREAS, the terms and conditions of the proposal as approved by LAFCO are as follows:

(a) That it be processed as a reorganization consisting of annexation of the subject territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and detachment from the Stanislaus Consolidated Fire Protection District.

(b) Designated, pursuant to Section 56852 of the California Government Code, the City of Modesto as the Conducting Authority and directed the City to initiate reorganization proceedings, and

WHEREAS, this action is being taken pursuant to Section 57000 et seq. of the Government Code of the State of California, and

WHEREAS, a public hearing on this annexation was called for and held by this Council on December 8 at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the date, time and place for hearing protests against said reorganization, and the City clerk gave notice to all persons legally entitled thereto, and

WHEREAS, the reasons for this annexation are as follows:

(a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

(b) The proposed annexation will result in planned, orderly and efficient development of the area, and

WHEREAS, the regular County assessment roll is utilized by the City of Modesto, and

WHEREAS, this Council finds and determines that written protests were filed and not withdrawn by property owners owning less than 50% of the assessed value of the land within the annexation territory, and

WHEREAS, any affected territory will be taxed for existing general bonded indebtedness of any agency whose boundaries are changed,

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

1. That all requirements of the Cortese/Knox Local Government Reorganization Act of 1985, and as revised in 1989, have been complied with.

2. That the area or territory designated as the Coffee-Claratina Reorganization to the City of Modesto is described on Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein.

3. That said territory is hereby ordered to be annexed to the City of Modesto and to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer District.

4. Said territory is hereby ordered detached from the Stanislaus Consolidated Fire Protection District.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution of the certificate of completion by the Executive Officer of the Stanislaus County Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

COFFEE-CLARATINA REORGANIZATION
TO THE CITY OF MODESTO

DESCRIPTION

All that certain real property situate in portions of Sections 4, 5 and 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the northeast corner of Parcel "A" as shown on map filed in Book 24 of Parcel Maps, Page 76, Stanislaus County Records, being also the northeast corner of the "North McHenry No. 3 Addition" to the City of Modesto; thence North 89°29'33" West along the northerly line of said Parcel "A" and westerly extension thereof, being also the northerly line of said "North McHenry No. 3 Addition", a distance of 1758.49 feet to the east line of land described in Grant deed to Sidney M. Smith recorded in Volume 1826 of Official Records, Page 487, Stanislaus County Records; thence North 0°22'51" West along said east line of the Smith land, a distance of 249.36 feet to the northeast corner of said Smith land; thence North 89°29'41" West along the north line of said Smith land and westerly extension thereof, a distance of 938.85 feet to the east line of Parcel "2" as shown on map filed in Book 36 of Parcel Maps, Page 38, Stanislaus County Records; thence North 1°14'43" West along said east line of Parcel "2" and northerly extension thereof, being also the west right-of-way line of McHenry Avenue, a distance of 513.25 feet to the north line of land described in Grant Deed recorded in Book 2455 of Official Records, Page 882, Stanislaus County Records; thence South 88°52'41" East along said north line a distance of 30.03 feet; thence North 1°14'43" West along the existing west right-of-way line of McHenry Avenue, parallel with and 25.00 feet west of the west line of said Section 4, a distance of 357.72 feet to the westerly extension of the south lines of Parcels "2", "3" and "4" as shown on map filed in Book 31 of Parcel Maps, Page 22, Stanislaus County Records; thence easterly along the existing north right-of-way line of Claratina Avenue the following 11 courses:

1. South 89°30'27" East along said south lines of Parcels "2", "3" and "4" and the westerly extension thereof, a distance of 953.96 feet to the southeast corner of said Parcel "4",
2. South 1°14'27" East along the southerly extension of the east line of said Parcel "4" a distance of 30.01 feet,
3. South 89°30'27" East 486.67 feet to the southeasterly line of the 110.00 foot wide Hetch Hetchy right-of-way,
4. North 70°09'50" East along said southeasterly line of Hetch Hetchy Right-of-way a distance of 86.35 feet,
5. South 89°30'27" East 79.48 feet to the east line of Parcel "B" as shown on map filed in Book 17 of Parcel Maps, Page 69, Stanislaus County Records,
6. South 1°15'41" East along said east line of Parcel "B" a distance of 30.01 feet to the southeast corner of said Parcel "B", and

Approved as to description
ON 11-5-98
BY

7. South 89°30'27" East 1062.38 feet to the southerly extension of the west line of Parcel "1" as shown on map filed in Book 23 of Parcel Maps, Page 40, Stanislaus County Records;
8. North 1°11'04" West along said southerly extension of the west line of Parcel "1" a distance of 30.02 feet to the southwest corner of said Parcel "1",
9. South 88°58'12" East along the south line of said parcel "1" a distance of 222.11 feet to the west line of Parcel "2" as shown on said map filed in Book 23 of Parcel Maps, Page 40,
10. South 1°11'04" East along said west line of Parcel "2" a distance of 30.02 feet, and
11. South 88°58'12" East 438.12 feet to the northerly extension of the east line of Parcel "B" as shown on map filed in Book 37 of Parcel Maps, Page 43, Stanislaus County Records;

thence South 1°10'16" East along said east line of Parcel "B" and northerly extension thereof a distance of 1373.57 feet to the southeast corner of said Parcel "B"; thence North 88°43'48" West along the north line of "Hillsboro Park No. 1" according to the official map thereof filed in Volume 26 of Maps, Page 70, Stanislaus County Records, being also the north line of the "Sylvan No. 3 Addition" to the City of Modesto, a distance of 659.61 feet to the northwest corner of said "Hillsboro Park No. 1"; thence North 1°12'06" West along the east line of Parcel "A" as shown on said map filed in Book 24 of Parcel Maps, Page 76, being also the east line of said "North McHenry No. 3 Addition", a distance of 280.11 feet to the point of beginning.

Containing 83.48 Acres.



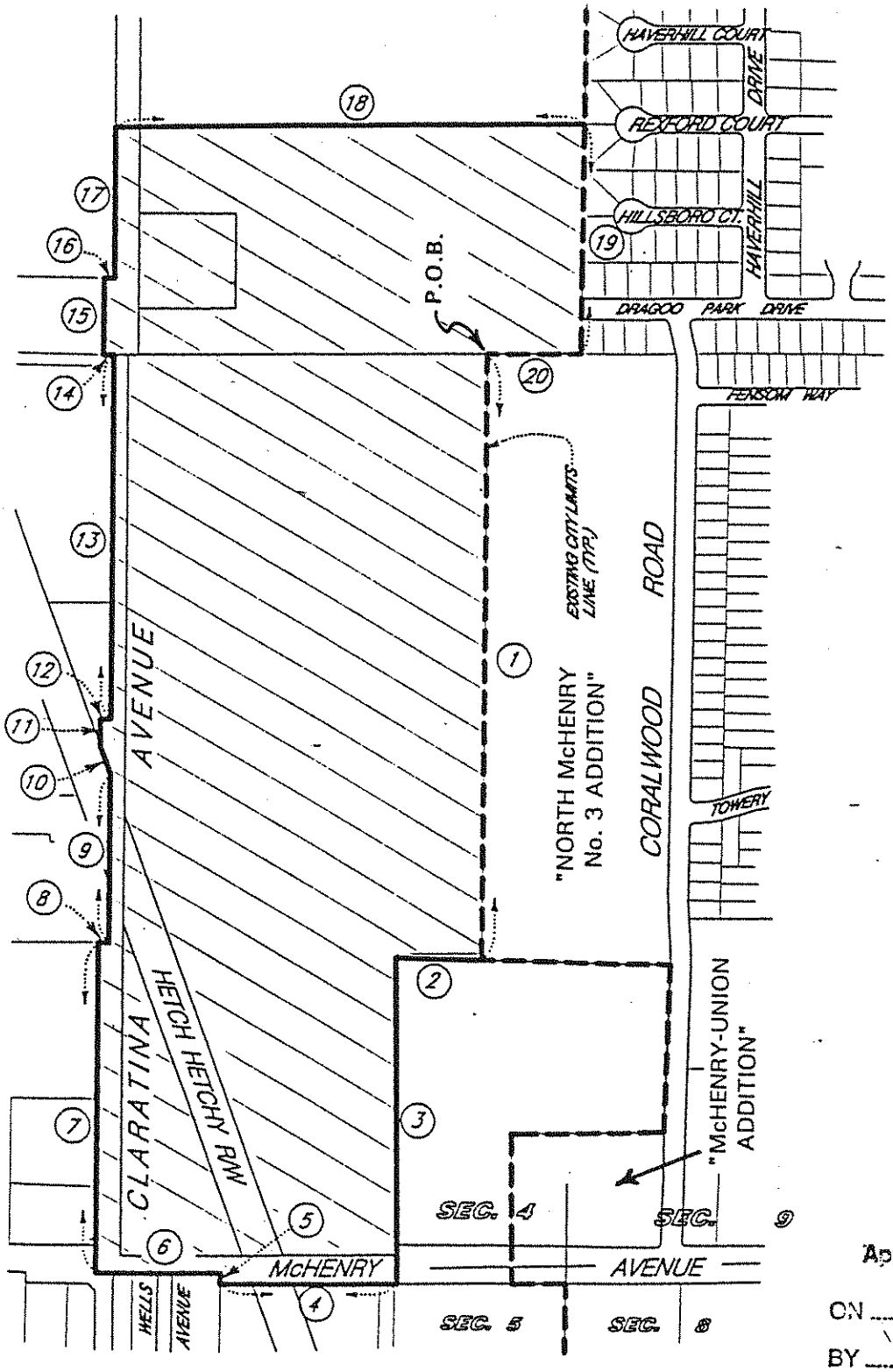
Approved as to description

ON 11-5-98

BY

COFFF-CLARATINA REORGANIZATION
TO THE CITY OF MODESTO

LOCATED IN PORTIONS OF SECTIONS 4, 5 AND 9,
T.3 S., R.9 E., M.D.B.& M.
STANISLAUS COUNTY CALIFORNIA



1	N.89°29'33"W.	1758.49'
2	N. 0°22'51"W.	249.36'
3	N.89°29'41"W.	938.85'
4	N. 1°14'43"W.	513.25'
5	S.88°52'41"E.	30.03'
6	N. 1°14'43"W.	357.72'
7	S.89°30'27"E.	953.96'
8	S. 1°14'27"E.	30.01'
9	S.89°30'27"E.	486.67'
10	N.70°09'50"E.	86.35'
11	S.89°30'27"E.	79.48'
12	S. 1°15'41"E.	30.01'
13	S.89°30'27"E.	1062.38'
14	N. 1°11'04"W.	30.02'
15	S.88°58'12"E.	222.11'
16	S. 1°11'04"E.	30.02'
17	S.88°58'12"E.	438.12'
18	S. 1°10'16"E.	1373.57'
19	N.88°43'48"W.	659.61'
20	N. 1°12'06"W.	280.11'

AREA: 83.480 Acres

Approved as to description

ON 11-5-98

BY _____

SCALE: 1" = 500'

DELAMARE-FULTZ
ENGINEERING AND SURVEYING
3421 TULLY ROAD SUITE J MODESTO CA. 95350
TELEPHONE (209) 529-7450

MODESTO CITY COUNCIL
RESOLUTION NO. 98-657

Print

A RESOLUTION ORDERING THE KIERNAN AVENUE REORGANIZATION TO THE CITY OF MODESTO. (UNINHABITED)

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO) by Resolution No. 98-06 dated October 28, 1998, approved the proposed Kiernan Avenue Reorganization to the City of Modesto (CITY) upon condition that it be processed as an uninhabited reorganization pursuant to the provisions of Section 57000 et seq. of the Government Code of the State of California and designated said Reorganization the Kiernan Avenue Reorganization, and

WHEREAS, the type of reorganization being acted on is an uninhabited annexation consisting of 173.45 acres of land to the City of Modesto and to the Modesto Municipal Sewer District No. 1, and a detachment of 173.45 acres from the Salida Fire Protection District, and

WHEREAS, said proposed Reorganization consists is located on the east side of Dale Road between Kiernan Avenue and Pelandale Avenue, and

WHEREAS, LAFCO, found in its Resolution No. 98-06, that (a) the subject territory is within the Modesto Sphere of Influence and designated within the "Primary" Area of Influence; (b) the boundaries of the proposal are consistent with adopted Commission policy; (c) the territory involved is uninhabited; (d) the proposal was initiated by Resolution of Application pursuant to Government Code Section 56800; (e) the City has adopted various plans for providing services and has prezoned the territory; (f) approval of the proposal will

result in planned, orderly and efficient development of the area; (g) the City had adopted Resolution 98-429 indicating it will provide adequate and appropriate municipal services to the area; and, (h) the City has stated their intention not to succeed to the two Williamson Act contracts upon annexation, and

WHEREAS, by said resolution, LAFCO approved the proposal subject to the terms and conditions as follows:

> That it be processed as a reorganization consisting of the annexation of the territory to the City of Modesto and the Modesto Municipal Sewer District No. 1, and the detachment of the territory from the Salida Fire Protection District, and

WHEREAS, LAFCO by said resolution No. 98-06 found that the City of Modesto shall be responsible for monitoring and reporting to insure CEQA compliance, and designated, pursuant to Section 56852 of the Government Code of the State of California, the City of Modesto as the conducting authority to initiate reorganization proceedings for said Reorganization, and

WHEREAS, this action is being taken pursuant to Section 57000 et seq. of the Government Code of the State of California, and

WHEREAS, a public hearing on this annexation was called for and held by this Council on December 8, 1998, at the hour of 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the date, time and place for hearing protests against said reorganization, and the City Clerk gave notice to all persons legally entitled thereto, and

WHEREAS, the reasons for this annexation are as follows:

(a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

(b) The proposed annexation will result in planned, orderly and efficient development of the area.

WHEREAS, the regular county assessment roll will be utilized, and

WHEREAS, this Council finds and determines that written protests were filed and not withdrawn by property owners owning less than 50% of the assessed value of the land within the annexation territory, and

WHEREAS, the affected territory will be taxed for existing general bonded indebtedness of any agency whose boundaries are changed, and

WHEREAS, two (2) parcels of land within said Kiernan Avenue Reorganization territory are subject to California Land Conservation Act Contracts (Williamson Act Contracts), and

WHEREAS, on February 3, 1975, the Council adopted Resolution No. 75-246 which protested the execution of the Hans and Donald Wagner Open Space Contract Application No. 75-2008 to the Stanislaus County Local Agency Formation Commission, hereinafter referred to as "LAFCO", pertaining to Assessor's Parcel No. 078-18-021; and, on December 28, 1982, the Council adopted Resolution No. 82-930 which protested the execution of the Reza Vossoughi, et al., Open Space Contract Application No. 83-3846 to LAFCO, pertaining to Assessor's Parcel No. 078-18-027, and

WHEREAS, copies of said City Council Resolution Nos. 75-246 and 82-930 are attached hereto as Exhibit "B" and incorporated herein by reference, and

WHEREAS, the City intends to not succeed to the above protested contracts and upon approval of the Kiernan Avenue Reorganization, all contracts that were protested to as identified on Exhibit "B", attached hereto, would be null and void,

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

1. That all requirements of the Cortese/Knox Local Government Reorganization Act of 1985, and as revised in 1989, have been complied with.

2. That the area or territory designated as the Kiernan Avenue Reorganization to the City of Modesto is described on Exhibit "A" attached hereto and made a part hereof by reference as though set forth in full herein.

3. That said territory is hereby ordered to be annexed to the City of Modesto and to the Modesto Municipal Sewer District No. 1. Said territory shall be subject to the authorized or existing bonded indebtedness of the Sewer District.

4. Said territory is hereby ordered detached from the Salida Fire Protection District.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, pursuant to the provisions of Government Code Section 51243, hereby states its intention not to succeed to the California Land Conservation Act Contracts referred to above. Said contracts pertaining to property in the Kiernan Avenue Reorganization to the City of Modesto are more specifically identified on Exhibit "B" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto is hereby directed to immediately make, under the seal of said City of Modesto, a certified copy of this resolution stating the date of its passage and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the Executive Officer of the Stanislaus County Local Agency formation Commission together with payment of applicable fees required by Section 54902.5 of the California Government.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

August 4, 1998

KIERNAN AVENUE
REORGANIZATION TO THE CITY OF MODESTO

All that certain real property in portions of Sections 35 and 36, Township 2 South, Range 8 East and Sections 1 and 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwest corner of the North half of the South half of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, as shown on the map filed in Volume 16 Record of Surveys, at Page 16, Stanislaus County Records, said point being the Northwest corner of the PELANDALE-SNYDER REORGANIZATION to the City of Modesto; thence North 89° 17′ 50" East on the North line of said Pelandale-Snyder Reorganization and the South line of the North half of the South half of said Section 1 a distance of 50.00 feet to the POINT OF BEGINNING of this description; thence continuing on last said line North 89° 17′ 50" East 2598.09 feet to the east line of the West half of said Section 1; thence on said East line North 0° 23′ 41" West 1360.27 feet to the North line of Bangs Avenue (20.00 feet half-width); thence on said North line of Bangs Avenue South 89° 20′ 49" West 662.15 feet to the Southerly extension of the East line of Parcel B as shown on the map recorded in Volume 37 of Parcel Maps, Page 61, Stanislaus County Records; thence on said Southerly extension and the East line of said Parcel B North 0° 15′ 40" West 1295.81 feet to the Northeast corner of said Parcel B; thence on the North line of said Parcel B South 89° 26′ 32" West 659.32 feet to the Southeast corner of Lot 38 of the Albemerl Tract, filed in Volume 4 of Maps, Page 19, Stanislaus County Records; thence on the East line of said Lot 38 North 0° 15′ 48" West 666.18 feet to the Southeast corner of Lot 37 of said Albemerl Tract; thence on the South line of said Lot 37 South 89° 35′ 04" West 613.40 feet to the East line of the West 678 feet of said Lot 37; thence on said East line North 0° 08′ 25" West 692.71 feet to the North line of Kiernan Avenue (State Highway 219) (50.00 feet half-width); thence on the North line of said Kiernan Avenue the following five (5) courses: (1) South 89° 43′ 37" West 223.33 feet; (2) North 86° 51′ 46" West 251.06 feet; (3) North 0° 16′ 23" West 15.07 feet; (4) South 89° 43′ 37" West 173.34 feet; (5) North 38° 06′ 17" West 42.45 feet to the East line of Dale Road (30.00 feet half-width); thence leaving said east line North 83° 41′ 06" West 55.38 feet to an angle point in the West line of Dale Road (25.00 feet half-width); thence South 0° 17′ 31" East 190.00 feet to an angle point in the West line of Dale Road (25.00 feet half-width); thence on the West line of said Dale Road (25.00 feet half-width) South 0° 08′ 25" East 2581.23 feet to the South line of the North half of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian; thence continue on the West line of said Dale Road South 0° 08′ 32" East 90.40 feet to the North line of the FLEUR DE VILLE reorganization to the City of Modesto; thence on said North line North 89° 38′ 17" East 25.00 feet; thence continue on said North line North 89° 17′ 59" East 50.00 feet to the East line of Dale Road (50.00 feet half-width); thence on the East line of said Dale Road South 0° 08′ 32" East 1233.92 feet to the point of beginning.

Containing 173.45 Acres.

Approved as to description
ON 11-23-98
BY

Approved as to description

CN 11-23-98

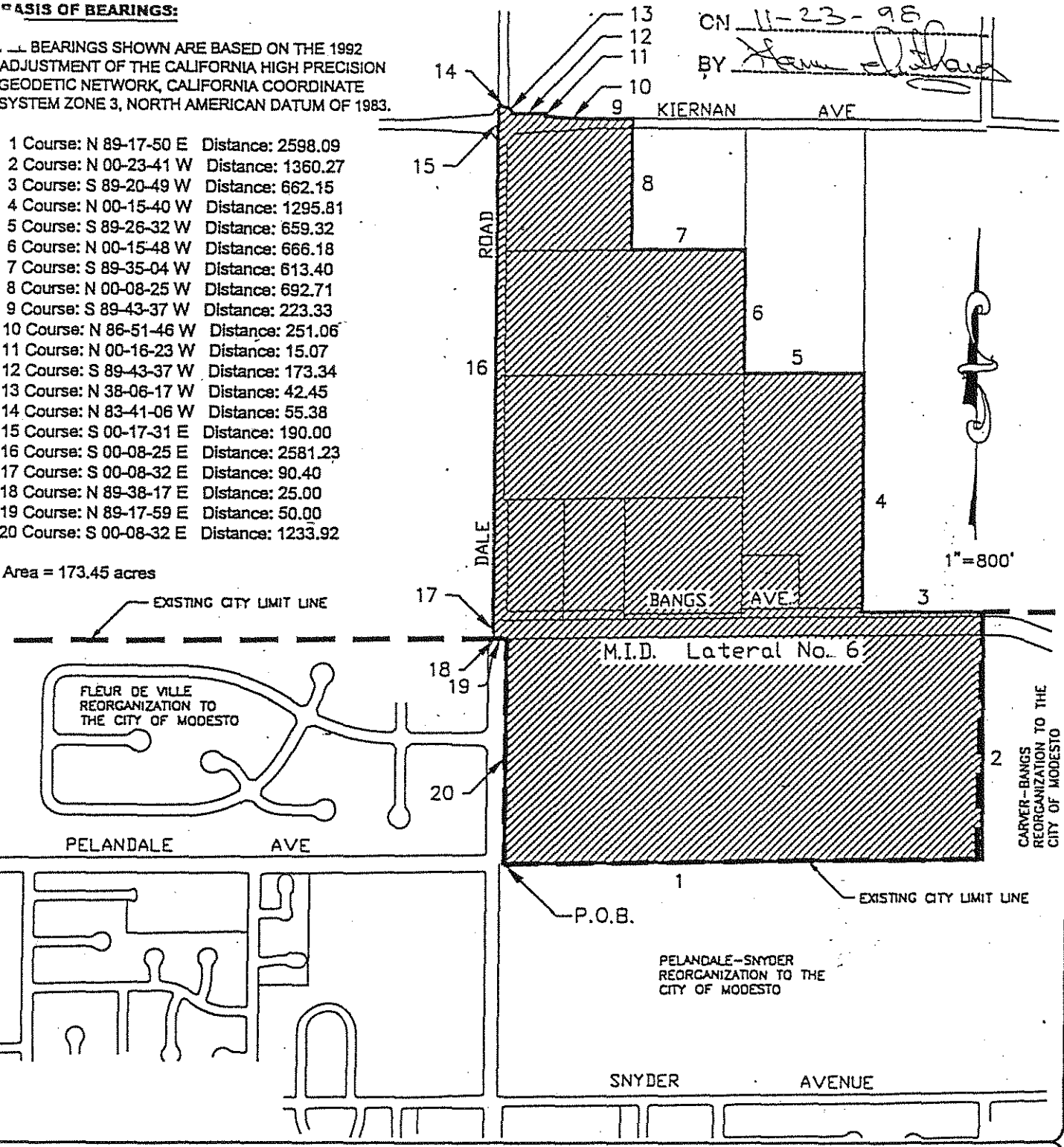
BY

BASIS OF BEARINGS:

BEARINGS SHOWN ARE BASED ON THE 1992 ADJUSTMENT OF THE CALIFORNIA HIGH PRECISION GEODETIC NETWORK, CALIFORNIA COORDINATE SYSTEM ZONE 3, NORTH AMERICAN DATUM OF 1983.

1 Course: N 89-17-50 E Distance: 2598.09
2 Course: N 00-23-41 W Distance: 1360.27
3 Course: S 89-20-49 W Distance: 662.15
4 Course: N 00-15-40 W Distance: 1295.81
5 Course: S 89-26-32 W Distance: 659.32
6 Course: N 00-15-48 W Distance: 666.18
7 Course: S 89-35-04 W Distance: 613.40
8 Course: N 00-08-25 W Distance: 692.71
9 Course: S 89-43-37 W Distance: 223.33
10 Course: N 86-51-46 W Distance: 251.06
11 Course: N 00-16-23 W Distance: 15.07
12 Course: S 89-43-37 W Distance: 173.34
13 Course: N 38-06-17 W Distance: 42.45
14 Course: N 83-41-06 W Distance: 55.38
15 Course: S 00-17-31 E Distance: 190.00
16 Course: S 00-08-25 E Distance: 2581.23
17 Course: S 00-08-32 E Distance: 90.40
18 Course: N 89-38-17 E Distance: 25.00
19 Course: N 89-17-59 E Distance: 50.00
20 Course: S 00-08-32 E Distance: 1233.92

Area = 173.45 acres



APPROVED BY:	R.E.	KIERNAN AVENUE REORGANIZATION TO THE CITY OF MODESTO	CITY of MODESTO DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION
DATE:	EXP. DATE:		
BUILT BY:	DATE:		
ASBUILT PLOTTED:	DATE:		ACTIVITY NO.
REVISED:	DATE:		
DATE: 11/99	DRAWN BY: G.L.W	CHECKED BY: / FIELD BOOK: / PAGE:	PAGE NO. 1 of 1

EXHIBIT "B"

MODESTO CITY COUNCIL
RESOLUTION NO. 75-246

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING THE EXECUTION OF AN OPEN SPACE CONTRACT APPLICATION NO. 75-2008 (Hans and Donald Wagner).

WHEREAS, an Open Space Contract Application has been referred to the City of Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto has been fully considered, and

WHEREAS, the City staff has recommended that the City protest the execution of said Open Space Contract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby protest the execution of an Open Space Contract on Application No. 75-2008 (Hans and Donald Wagner).

BE IT FURTHER RESOLVED that this protest be filed with the Stanislaus County Board of Supervisors and the Stanislaus County Local Agency Formation Commission and the Local Agency Formation Commission is hereby requested to hold a hearing and consider this protest as provided for in Section 51243.5 of the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of February, 75, by Councilman Dunlap, who moved its adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 82-930

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING THE EXECUTION OF AN OPEN SPACE CONTRACT APPLICATION NO. 83-3846 (REZA VOSSOUGHI, et al.)

WHEREAS, an Open Space Contract Application has been referred to the City of Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto has been fully considered, and

WHEREAS, the City staff has recommended that the City protest the execution of said Open Space Contract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby protest the execution of an Open Space Contract on Application No. 83-3846 (Reza Vossoughi, et al.).

BE IT FURTHER RESOLVED that this protest be filed with the Stanislaus County Board of Supervisors and the Stanislaus County Local Agency Formation Commission and the Local Agency Formation Commission is hereby requested to hold a hearing and consider this protest as provided for in Section 51243.5 of the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of December, 1982, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember

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

AYES: Councilmembers: Bright, Elliott, Lang, Muratore, Siefkin, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Patterson

ATTEST: Norrine Coyle
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

CA Form
12/28/77

MODESTO CITY COUNCIL
RESOLUTION NO. 98-658

Print

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS CONSISTENT WITH THE VILLAGE ONE ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 7 AND FOR CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED ON THE SOUTH SIDE OF SYLVAN AVENUE EAST OF ESTA AVENUE IN THE VILLAGE ONE SPECIFIC PLAN AREA. (K-D LAND AND CATTLE COMPANY)

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

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

WHEREAS, an application has been filed by K-D Land and Cattle Company for a Precise Plan for Area No. 7, property located on the south side of Sylvan Avenue east of Esta Avenue, and

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

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

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. 98-47, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 98-67, adopted on November 16, 1998, and City staff, by a report dated November 25, 1998, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 7 of the Village One Specific Plan as set forth in said Resolution No. 98-67, and recommended approval of an Amendment to Section 12-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay Zone, SP-O, Precise Plan Area 7, property located on the south side Sylvan Avenue east of Esta Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on December 8, 1998, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. 98-47, entitled "City of Modesto Initial Study Precise Plan No. 7 and Rezoning to Specific Plan-Overlay Zone", for the proposed project, and the Council hereby makes the following findings:

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

2. There are no substantial changes occurring with respect to the circumstances under which the Precise Plan and rezoning are being undertaken which will require major revisions in the Village One Specific Plan Program EIR as amended by the Village One Supplemental EIR.

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

4. The Initial Study, Environmental Assessment No. 98-47, provides the substantial evidence to support the above findings.

A copy of said Environmental Assessment No. 98-47, entitled "City of Modesto Initial Study Precise Plan No. 7 and Rezoning to Specific Plan-Overlay Zone", is attached hereto as Exhibit "A", and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Frisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

City of Modesto

Initial Study

Precise Plan No. 7 and Rezoning to Specific Plan-Overlay Zone
EA/CDD 98-47
November 2, 1998

I. PURPOSE

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

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

Section 15182 of the CEQA Guidelines states that no EIR or negative declaration need be prepared for a residential project undertaken pursuant to and in conformance with a specific plan for which an EIR has been prepared, if the following findings can be made:

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report.

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

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

The purpose of this Initial Study is to provide the substantial evidence for the above findings.

II. PROJECT DESCRIPTION

A. Project title:
Precise Plan No. 7 and rezone to Specific Plan-Overlay Zone

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

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

D. Project Location:
The south side of Sylvan Avenue east of Esta Avenue.

E. Project Sponsor:
K-D Land & Cattle Co., 2725 Santiago Dr., Modesto, CA 95354

F. General Plan Designation:
Village Residential (VR)

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

H. Description of Proposed Project:
The Precise Plan and rezoning are to allow for the development of 29 acres in the Village One Specific Plan, for a 136-lot single-family subdivision.

I. Surrounding land uses:
The project is adjoined on the east by a single-family subdivision currently under construction, to the south by agricultural parcels designated in the Village One Specific Plan for residential development, to the west by ranchette parcels, and to the north by agricultural land designated for a high school and park.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH SECTION 15182 FINDINGS

A. No substantial changes are proposed in the project which will require major revisions of the environmental impact report

Following is an analysis of how there are no substantial changes proposed in the project which would require major revisions of the Village One Program EIR, as modified by the Supplemental EIR:

1. Traffic and Circulation

Impacts to traffic and circulation are discussed on pages III-40 through III-44 of the Supplemental EIR. The development proposed by this Precise Plan and

rezoning is consistent with the Village One Specific Plan in land use and intensity (136 dwelling units), and provides a circulation system consistent with the Specific Plan. It also provides for a pedestrian overcrossing called for in the Specific Plan. Therefore, impacts to traffic and circulation for this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

2. Degradation of Air Quality

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

3. Generation of Noise

Noise impacts are analyzed on pages III-55 through III-67 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in land use and intensity. Therefore, the noise impacts of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

4. Vegetation and Wildlife

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

5. Land Use

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

6. Population, Employment and Housing

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

7. Urban Design and Visual Quality

Impacts to urban design and visual quality are analyzed on pages III-101 through III-103 of the Supplemental EIR. The development proposed by this Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use, intensity and urban design. Therefore, the impacts to urban design and visual quality of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

8. Geology and Soils

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

9. Hydrology

Hydrology impacts are analyzed on pages III-109 through III-119 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity. Therefore, the impacts to hydrology of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

10. Public Services

Impacts to public services are analyzed on pages III-121 through III-158 of the Supplemental EIR. The development proposed by Precise Plan and rezoning is consistent with the Village One Specific Plan in terms of land use and intensity, and would not create any additional demand for public services that are in excess

of those analyzed by the Village One EIR. In addition, the Precise Plan provides for a pedestrian overcrossing for the proposed high school north of Sylvan Avenue, in accordance with the Village One Specific Plan. Therefore, the impacts to public services of this project are consistent with the analysis presented in the Village One Specific Plan Program EIR, as modified by the Supplemental EIR.

11. Fiscal Impacts

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

12. Cumulative Impacts

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

13. Growth Inducing Impacts

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

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

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

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

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

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. There are no substantial changes proposed in the project which will require major revisions of the Village One Program EIR, as modified by the Supplemental EIR.

B. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Village One Program EIR, as modified by the Supplemental EIR.

C. No new information, which was not known and could not have been known at the time the Village One Program EIR, as modified by the Supplemental EIR, was certified as complete, has become available.

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

Signature:

Steve Mitchell

Steve Mitchell,
Associate Planner

EA RESOLUTION

1	Attorney
1	CDD - Construction Administration
1	Community Development Department - Attention: Steve Mitchell
3	

MODESTO CITY COUNCIL
RESOLUTION NO. 98-659

Print

A RESOLUTION APPROVING REVISED TERMS OF AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR THE NORTH MCHENRY AREA TAX SHARING AGREEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the revised terms of an agreement between the City of Modesto and the County of Stanislaus for the North McHenry Area Tax Sharing Agreement be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Smith, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-660

Print

A RESOLUTION APPOINTING BONNIE CERRUTTI TO THE AIRPORT ADVISORY COMMITTEE

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

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

SECTION 1. Bonnie Cerrutti is hereby appointed to the Airport Advisory Committee with a term expiration date of December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Airport Advisory Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-661

Print

A RESOLUTION APPOINTING HORACE HENLINE AND JOAN BONACCINE TO 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;

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

SECTION 1. Horace Henline and Joan Bonaccine are hereby appointed to the Golf Course Advisory Committee each with a term expiration date of December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Airport Advisory Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-662

Print

A RESOLUTION APPOINTING CAROLYN FRASER AS THE HUMAN RELATIONS COMMISSION REPRESENTATIVE TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION AND ARNOLD NAIMARK AS THE HUMAN RELATIONS COMMISSION REPRESENTATIVE TO THE CITIZENS HOUSING & COMMUNITY DEVELOPMENT COMMITTEE

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

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

SECTION 1. Carolyn Fraser is hereby appointed as the Human Relations Commission representative to the Equal Opportunity/Disability Commission with a term expiration of December 31, 1999; and Arnold Naimark is hereby appointed as the Human Relations Commission representative to the Citizens Housing & Community Development Committee with a term expiration date of December 31, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed representatives of the Human Relations 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-663

A RESOLUTION REAPPOINTING JACK HINKLE AND ROBERT HAUFF TO THE AIRPORT ADVISORY COMMITTEE

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

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

SECTION 1. Jack Hinkle and Robert Hauff are hereby reappointed to Airport Advisory Committee each with a term expiration of December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-664

Print

A RESOLUTION REAPPOINTING FRANK BOOTS, DAVID BORING, AND TOM SLATER TO THE DOWNTOWN IMPROVEMENT DISTRICT

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

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

SECTION 1. Frank Boots, David Boring, and Tom Slater are hereby reappointed to the Downtown Improvement District, each with a term expiration of December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Downtown Improvement District, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-665

Print

A RESOLUTION REAPPOINTING JAMES ANDERSON, CLARENCE ATTERBURY, DWIGHT BATEMAN, EDWIN PENFOLD, DONALD HORTON, JOSEPH MARTINEZ AND SHELLY SCRIBNER TO THE EQUAL OPPORTUNITY/DISABILITY COMMISSION

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

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

SECTION 1. James Anderson, Clarence Atterbury, Dwight Bateman and Edwin Penfold are hereby reappointed to the Equal Opportunity/Disability Commission, each with a term expiration of December 31, 2001; and Donald Horton, Joseph Martinez and Shelly Scribner are hereby reappointed to the Equal Opportunity/Disability Commission, each with a term expiration of December 31, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Equal Opportunity/Disability Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-666

Print

A RESOLUTION REAPPOINTING JESS DACUYCUY TO THE HUMAN RELATIONS COMMISSION

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

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

SECTION 1. Jess Dacuycuy is hereby reappointed to the Human Relations Commission, with a term expiration of December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed member of the Human Relations 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-667

A RESOLUTION REAPPOINTING BILL LATHAM AND JERRY BEAMISH TO THE LANDMARK PRESERVATION COMMISSION

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

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

SECTION 1. Bill Latham and Jerry Beamish are hereby reappointed to the Landmark Preservation Commission, each with a term expiration of December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members of the Landmark Preservation Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-668

Print

A RESOLUTION REAPPOINTING TONY VARNI TO THE REDEVELOPMENT COMMISSION

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

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

SECTION 1. Tony Varni is hereby reappointed to the Redevelopment Commission, with a term expiration of December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed member of the Redevelopment 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-669

Print

A RESOLUTION REAPPOINTING MARY GROGAN, DAVE GIANELLI, AND MARGARET LEAMAN TO THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMITTEE

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

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

SECTION 1. Mary Grogan, Dave Gianelli and Margaret Leaman are hereby reappointed to the Tuolumne River Regional Park Citizens Advisory Committee, each with a term expiration of December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed 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 8th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-670

Print

A RESOLUTION REJECTING BIDS FOR THE WASTEWATER COLLECTION MAINTENANCE BUILDING PROJECT, OPENED IN THE OFFICE OF THE CITY CLERK ON JULY 14, 1998

WHEREAS, the bids received for Wastewater Collection Maintenance Building were opened at 11:00 a.m. on July 14, 1998, and;

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was so widespread that staff recommends bids be rejected and re-evaluation of the specifications and re-solicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Wastewater Collection Maintenance Building, opened in the office of the City Clerk on July 14, 1998, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-671

Print

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PARTICIPATION AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA HIGHWAY PATROL AND THE OFFICE OF TRAFFIC SAFETY FOR A GRANT PROJECT TITLED "PEDESTRIAN CORRIDOR SAFETY"

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the participation agreement between the City of Modesto and the California Highway Patrol and the Office of Traffic Safety for a grant project titled Pedestrian Corridor Safety be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-672

Print

A RESOLUTION AMENDING THE FISCAL YEAR 1998-99 ANNUAL BUDGET TO ESTIMATE NEW REVENUE OF $30,000 AND APPROPRIATE FUNDS TO ORGANIZATION #1961

WHEREAS, the California Highway Patrol recently received a grant from the State Office of Traffic Safety to increase pedestrian safety. The CHP has requested that the City of Modesto provide pedestrian enforcement to seven targeted roadways on a police officer overtime basis; and

WHEREAS, these grants funds provide the opportunity to offer extra traffic enforcement as well as participate in a pedestrian safety grant project. The $30,000 will provide approximately 1000 hours of traffic enforcement.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that the 1998-99 Annual Budget is hereby amended as indicated below:

	Current Budget	Increase	Revised
Revenue #010-190-1961-3176	$ -0-	$30,000	$ 30,000
Expense #010-190-1961-0130	$748,890	$30,000	$778,890

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____
STAN FEATHERS, Budget Officer

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-673

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

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

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

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

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

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

Construction Inspector

The job specifications for the classification of Construction Inspector, as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after December 15, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

CITY OF MODESTO
NO. 3245

DECEMBER, 1998

CONSTRUCTION INSPECTOR

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 inspect workmanship and materials used in a variety of public works projects and to ensure conformance with plans, specifications and Departmental regulations.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Supervising Construction Inspector.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Prepare a variety of construction activity records and reports; maintain as-built notes for each set of plans.

Inspect public improvement projects for compliance to plans, specifications, and applicable codes. Typical projects include street improvements, bridges, traffic signals, pump stations, utility pipelines, and public buildings.

Monitor project cost and schedules. Take appropriate action to meet budget and maintain schedule, and to mitigate potential claims for delays.

Review traffic control plans and monitor the contractor's activity to assure safe flow of traffic through a construction zone.

Prepare monthly progress payments in a timely manner; prepare weekly statements of working days; record the quantity of material used and progress of work performed.

EXHIBIT A

Essential Functions: (Continued)

Inspect materials for identifications as conforming to specifications.

Coordinate and arrange for a variety of field tests, monitor results and arrange for rework, as necessary.

Observe work during progress and upon completion; monitor contractor workforce for adequate staffing levels.

Coordinate changes to the project via contract change order process and procedures.

Inspect adjacent properties for damage from construction activity.

Confer with property owners regarding project schedule, hazards and inconvenience.

Coordinate work with other City departments and utilities.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles, methods, materials, equipment and safety hazards of constructions inspection.

Defects and faults in construction.

Basic mathematics including algebra, geometry, and trigonometry.

Basic soil mechanics and geology.

Materials sampling and testing procedures.

Engineering mechanics of structures.

Applicable laws, regulations, specifications, codes and departmental policies governing the construction of assigned projects.

Contract change order procedures.

Traffic control principles through a construction zone, and safety hazards working around an open excavation.

Ability to:

Understand and interpret engineering plans and specifications and prepare accurate engineering records.

Detect and locate faulty materials and workmanship and determine the stage of construction during which defects are most easily found and remedied.

Deal firmly and tactfully with contractors, engineers and property owners.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing and use a personal computer.

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 increasingly responsible experience performing construction inspection responsibilities in a variety of public works construction including preparing daily reports, monitoring change order work, evaluating material testing results, preparing correction notices and obtaining corrective action, and preparing monthly progress payments.

Training:

Equivalent to an Associate of Arts degree with major course work in civil engineering, construction technology or a related field.

WORKING CONDITIONS

Environmental Conditions:

Field environment; travel from site to site.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles.

MODESTO CITY COUNCIL
RESOLUTION NO. 98-674

Print

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SCOTT LAMUNYON FARMING FOR LEASE OF A 34-ACRE PORTION OF DRY CREEK REGIONAL PARK THROUGH JUNE 30, 1999

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Scott LaMunyon Farming for the lease of a 34-acre portion of Dry Creek Regional Park through June 30, 1999 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-675

A RESOLUTION AUTHORIZING THE SALE OF SURPLUS, LOST, STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY ACCUMULATED BY THE CITY OF MODESTO AND 11 VEHICLES FROM FLEET SERVICES DIVISION BY SEALED BID, PUBLIC AUCTION OR SCRAP.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, the City of Modesto desires to sell surplus, lost, stolen, unclaimed and/or seized property accumulated by the City of Modesto and 11 vehicles from Fleet Services Division, and

WHEREAS, City staff has recommended that said property could best be sold on a sealed bid basis; however, if said property does not sell on a sealed bid basis, said property should then be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, January 2, 1999 for vehicles and Saturday, January 16, 1999 for surplus property, at their facility located at 824 W. Kiernan Avenue, and

WHEREAS, should the sealed bid process or the public auction process not bring the desired results, then City staff proposes that the property should be sold for scrap, and

WHEREAS, a detailed list of those items to be sold is on file in the Office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the sale of surplus, lost, stolen, unclaimed and/or seized

property accumulated by the City of Modesto and 11 vehicles from Fleet Services Division a list of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that said property is authorized to be sold at a public auction to be conducted by Roger Ernst and Associates on Saturday, January 2, 1999 for vehicles and Saturday, January 16, 1999 for surplus property, at their facility located at 824 W. Kiernan Avenue, subject to an agreement between the City of Modesto and Roger Ernst and Associates for auctioneering services which was entered into on the 4th day of October, 1988, and which agreement was approved by Council Resolution No. 88-757; subject also to the appropriate insurance being on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that at least five (5) days before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the list of the items to be offered for sale can be inspected in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

CORRECTED 10/23/00

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-676

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CANVASSING THE RESULTS OF THE DECEMBER 15, 1998 ELECTION HELD WITHIN COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) AND ASSERTING COMPLIANCE WITH THE PROVISIONS OF PROPOSITION 218

WHEREAS, this Council is conducting proceedings pertaining to the formation of the City's Community Facilities District No. 1998-2 (the "District"), the establishment of an appropriations limit within the District, and the levy of a special tax sufficient to pay all costs necessary to finance certain Facilities and Services as described in the City's Resolution No. 98-653, adopted December 8, 1998, and

WHEREAS, on December 15, 1998, an election was held within the District (the "Election") relative to the foregoing, and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the special tax and establishing an appropriations limit within the District was approved by at least two-thirds (2/3) of the votes cast at the Election within the District, and

WHEREAS, the special tax may be levied without regard to property values or benefit pursuant to Chapter 3.5 of Part 1 of Division 2 of title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, the City of Modesto has determined that the special tax complies with the provisions of Articles XIII C and XIII D of the California Constitution, and other laws pertaining to the levy of such special taxes,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.

2. Based on the City Clerk's certificate of election results, attached hereto as EXHIBIT A, the ballot proposition presented to the qualified electors of the District at the Election received at least two-thirds (2/3) of the votes cast at the Election.

3. The City Clerk of the City of Modesto is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such election, and is hereby further authorized and directed to record a notice of special tax lien in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code.

4. The levy and collection of the special tax within the District is herewith ordered for the 1999/2000 fiscal year, and in each subsequent fiscal year in which the special tax may validly be levied.

5. A certified copy of this resolution and any attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such taxes on the 1999/2000 Stanislaus County tax roll, and in each subsequent fiscal year in which the special tax may validly be levied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs and Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 98-653, the Resolution of Formation, adopted on December 8, 1998 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1998-2 on December 15, 1998, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall an appropriations limit in the amount of $1,000,0000 per fiscal year be established for Community Facilities District No. 1998-2 (the "District") of the City of Modesto ("the City"), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in EXHIBIT B to the City's Resolution No. 98-653 (the "Resolution of Formation") adopted by the City Council of the City of Modesto on December 8, 1998, which is incorporated herein by this reference, be levied within the District in order to finance certain public facilities and services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

TOTAL VOTES CAST: YES 433.09 NO -0-

Dated:

Jean Zahr
JEAN ZAHR
City Clerk of the City of Modesto

clkcert.wpd

Corrected 10-23-00

MODESTO CITY COUNCIL
RESOLUTION NO. 98-676

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO CANVASSING THE RESULTS OF THE DECEMBER 15, 1998 ELECTION HELD WITHIN COMMUNITY FACILITIES DISTRICT NO. 1998-2 (CARVER-BANGS/PELANDALE-SNYDER) AND ASSERTING COMPLIANCE WITH THE PROVISIONS OF PROPOSITION 218

WHEREAS, this Council is conducting proceedings pertaining to the formation of the City's Community Facilities District No. 1998-2 (the "District"), the establishment of an appropriations limit within the District, and the levy of a special tax sufficient to pay all costs necessary to finance certain Facilities and Services as described in the City's Resolution No. 98-653, adopted December 8, 1998, and

WHEREAS, on December 15, 1998, an election was held within the District (the "Election") relative to the foregoing, and

WHEREAS, the City Clerk has certified that at the Election the proposition of levying the special tax and establishing an appropriations limit within the District was approved by at least two-thirds (2/3) of the votes cast at the Election within the District, and

WHEREAS, the special tax may be levied without regard to property values or benefit pursuant to Chapter 3.5 of Part 1 of Division 2 of title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

Corrected 1 10-23-00

WHEREAS, the City of Modesto has determined that the special tax complies with the provisions of Articles XIII C and XIII D of the California Constitution, and other laws pertaining to the levy of such special taxes,

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto.

2. Based on the City Clerk's certificate of election results, attached hereto as EXHIBIT A, the ballot proposition presented to the qualified electors of the District at the Election received at least two-thirds (2/3) of the votes cast at the Election.

3. The City Clerk of the City of Modesto is hereby directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such election, and is hereby further authorized and directed to record a notice of special tax lien in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code.

4. The levy and collection of the special tax within the District is herewith ordered for the 1999/2000 fiscal year, and in each subsequent fiscal year in which the special tax may validly be levied.

5. A certified copy of this resolution and any attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such taxes on the 1999/2000 Stanislaus County tax roll.

CORRECTED 10-23-00

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Serpa, Smith, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs and Fisher

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 98-653, the Resolution of Formation, adopted on December 8, 1998 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1998-2 on December 15, 1998, and that the election was conducted by mail or in person at the City Hall of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

Proposition A. Shall an appropriations limit in the amount of $1,000,0000 per fiscal year be established for Community Facilities District No. 1998-2 (the "District") of the City of Modesto ("the City"), and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in EXHIBIT B to the City's Resolution No. 98-653 (the "Resolution of Formation") adopted by the City Council of the City of Modesto on December 8, 1998, which is incorporated herein by this reference, be levied within the District in order to finance certain public facilities and services as set forth in the Resolution of Formation, including any incidental expenses related thereto?

TOTAL VOTES CAST: YES 433.09 NO -0-

Dated:

Jean Zahr

JEAN ZAHR
City Clerk of the City of Modesto

clkcert.wpd

CORRECTED 10/23/00

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-677

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ASSERTING COMPLIANCE WITH THE PROVISIONS OF PROPOSITION 218 WITH RESPECT TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND COMMUNITY FACILITIES DISTRICT NO. 1997-1 (NORTH BEYER)

WHEREAS, the County of Stanislaus requires each agency for whom it collects taxes to assert compliance with the provisions of Article XIII C and XIII D of the California Constitution, added by the people through Proposition 218 in 1996, and

WHEREAS, the City of Modesto has by previous proceedings levied special taxes to defray the expenses of infrastructure and services within Community Facilities District No. 1996-1 (Village One) and Community Facilities District No. 1997-1 (North Beyer) (the "Districts") pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, the special taxes against the real property are not levied with regard to either property value or benefit, but rather in accordance with the Act, and

WHEREAS, the City of Modesto has determined that these special taxes comply with the provisions of Articles XIII C and XIII D of the California Constitution, and all laws pertaining to the levy of such taxes,

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City of Modesto orders the levy and collection of such special taxes within the Districts for the 1998/1999 fiscal year, and in each subsequent fiscal year in which the special tax may validly be levied.

SECTION 3. A certified copy of this resolution and any attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 1998/1999 Stanislaus County tax roll, and in each subsequent fiscal year in which the special tax may validly be levied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

Corrected 10-23-00

MODESTO CITY COUNCIL
RESOLUTION NO. 98-677

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO ASSERTING COMPLIANCE WITH THE PROVISIONS OF PROPOSITION 218 WITH RESPECT TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE) AND COMMUNITY FACILITIES DISTRICT NO. 1997-1 (NORTH BEYER)

WHEREAS, the County of Stanislaus requires each agency for whom it collects taxes to assert compliance with the provisions of Article XIII C and XIII D of the California Constitution, added by the people through Proposition 218 in 1996, and

WHEREAS, the City of Modesto has by previous proceedings levied special taxes to defray the expenses of infrastructure and services within Community Facilities District No. 1996-1 (Village One) and Community Facilities District No. 1997-1 (North Beyer) (the "Districts") pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, the special taxes against the real property are not levied with regard to either property value or benefit, but rather in accordance with the Act, and

WHEREAS, the City of Modesto has determined that these special taxes comply with the provisions of Articles XIII C and XIII D of the California Constitution, and all laws pertaining to the levy of such taxes,

Corrected
10-23-00

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City of Modesto orders the levy and collection of such special taxes within the Districts for the 1998/1999 fiscal year, and in each subsequent fiscal year in which the special tax may validly be levied.

SECTION 3. A certified copy of this resolution and any attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such charges on the 1998/1999 Stanislaus County tax roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 98-678

Print

A RESOLUTION CALLING AN ELECTION FOR THE PURPOSE OF SUBMITTING THE LEVY OF THE SPECIAL TAX TO THE QUALIFIED ELECTORS OF THE TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 1996-1 (ANNEXATION #2)

WHEREAS, this Council did, on November 10, 1998, adopt its Resolution No. 98-591 (the "Resolution of Intention to Annex") to indicate its intention to annex certain territory (the "Annexed Territory") to its Community Facilities District No. 1996-1 (the "District") in order to finance certain public facilities (the "Facilities") and services (the "Services") and to authorize the levy of a special tax (the "Special Tax") within the Annexed Territory, pursuant to Chapter 3.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982" (the "Act"), and

WHEREAS, a copy of the Resolution of Intention to Annex, describing the territory proposed to be annexed, the list of Facilities and Services to be financed by the Annexed Territory, and the Special Tax to be levied in the Annexed Territory, and setting the hearing thereon, is on file with the City Clerk and is incorporated herein by this reference, and

WHEREAS, notice of the hearing was duly published as required by law, as evidenced by the proof of publication on file with the City Clerk, and

WHEREAS, on December 15, 1998, this Council held the hearing as required by law related to the proposed annexation of territory and the levy of the Special Tax within the Annexed Territory and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, at the hearing all persons desiring to be heard on all matters pertaining to the proposed annexation of territory and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, including all interested persons or taxpayers for or against the proposed annexation of territory and the levy of the Special Tax therein were heard and considered, and a full and fair hearing was held thereon, and

WHEREAS, at the hearing evidence was presented to this Council on the matters before it, and this Council at the conclusion of the hearing was fully advised as to all matters related to the proposed annexation and the levy of the Special Tax therein and all other matters set forth in the Resolution of Intention to Annex, and

WHEREAS, written protests against the proposed annexation and the levy of the Special Tax therein have not been filed with the City Clerk by fifty percent or more of the registered voters, or six registered voters, whichever is more, residing within either the District or the Annexed Territory proposed to be annexed to the District, or the owners of one-half or more of the area of land in either the territory in the District or the Annexed Territory and not exempt from the Special Tax, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. All prior proceedings taken with respect to the annexation of territory to the District and the levy of the Special Tax therein, were valid and in conformity with the requirements of the Act. This determination shall be final and conclusive upon all persons.

SECTION 3. The proposed annexation of territory and the levy of the Special Tax therein have not been precluded by majority protest pursuant to Section 53339.5 of the Act.

SECTION 4. (a) The Facilities to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and by this reference incorporated herein.

(b) The Facilities are necessary to meet the increased demands placed upon the City and other local agencies operating within the Annexed Territory as a result of development occurring therein.

(c) No land within the Annexed Territory is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

SECTION 5. (a) The Services to be financed by the Annexed Territory are set forth in EXHIBIT A attached hereto and incorporated by this reference, including expenses incidental thereto as authorized by Section 53313 of the Act. The Services are governmental services which the City is authorized by law to provide to the extent that they are in addition to those provided in the Annexed Territory before the territory was annexed to the District.

(b) The Services are necessary to meet the increased demands placed upon the City and other local agencies operating within the area of the Annexed Territory as a result of development occurring in the Annexed Territory.

SECTION 6. The Amended Report related to the Facilities and Services shall be a part of the record in these proceedings.

SECTION 7.

(a) As stated in the Resolution of Intention to Annex, it is the intention of this Council, subject to the approval of the qualified electors of the Annexed Territory, to annex territory to the District and levy a Special Tax within the Annexed Territory. Specifically, upon such approval the Council shall levy the Special Tax upon the Annexed Territory.

(b) The rate, method of apportionment, and manner of collection of the special tax, in sufficient detail to allow each landowner or resident within the Annexed Territory to estimate the maximum amount that he or she will have to pay, is described in EXHIBIT A hereto and by this reference incorporated herein.

(c) The Special Tax as apportioned to each parcel pursuant to EXHIBIT A is based on the cost of making the Facilities and Services available to each parcel of the Annexed Territory, or other reasonable basis, and is not based on or upon the ownership of real property.

(d) There is no ad valorem property tax currently being levied on property within the Annexed Territory for the exclusive purpose of making lease payments or paying principal or interest on any other indebtedness incurred to finance the construction of capital facilities which are the same as are to be provided by the Facilities to be financed by the Annexed Territory.

SECTION 8. A special election (the "Election") is hereby called as a mail ballot election on the proposition of levying the Special Tax within the Annexed Territory.

This Council further directs that this Resolution shall constitute the notice of the Election on the above proposition. However, the giving of such notice is waived if the City Clerk shall receive unanimous consent to such waiver from the Landowners.

SECTION 9. It is hereby found that there were fewer than twelve registered voters registered to vote within the Annexed Territory for each of the ninety days preceding the close of the Election. Pursuant to Section 53326 of the Act, the vote shall be by the landowners of the Annexed Territory and each landowner who is the owner of record at the close of the Hearing, or the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that he or she owns within the Annexed Territory. The number of votes to be voted by a particular landowner shall be specified on the ballot provided to that landowner.

SECTION 10. If the City Clerk shall have received appropriate waivers of time limits and other requirements pertaining to the conduct of the Election by each of the owners of land included in the Annexed Territory (collectively, the "Landowners") on or before Tuesday, the 22nd day of December, 1998, the Election shall be held on that day, or on such earlier date on which the City Clerk shall have received such waivers and completed ballots. Otherwise, the Election shall be held on the first Tuesday after that date which is 90 days after the date on which this Resolution is adopted.

The Election shall be conducted by the City Clerk in the manner required by this Resolution, the Act and applicable laws. Receipt by the City Clerk of this Resolution, a certified map of sufficient scale and clarity to show the boundaries of the Annexed Territory and a sufficient description to allow the City Clerk to determine the boundaries of the Annexed Territory within three business days after the adoption of this Resolution shall be conclusively

evidenced by the signature of the City Clerk on the certificate of adoption relating to this Resolution.

In accordance with Section 53326 of the Act, the ballots for the election shall be distributed by mail or by personal service by the City Clerk, with return postage prepaid, to each Landowner within the Annexed Territory. The City Clerk shall certify the proper mailing or service of ballots by an affidavit, which shall constitute conclusive proof of mailing or service in the absence of fraud. The voted ballots shall be returned to the City Clerk in person or by mail, courier, messenger or other means of delivery not later than 7:00 p.m. on the day of the Election.

SECTION 11. Unless waived with the unanimous consent of all the Landowners, there shall be prepared and included in the ballot material provided to each voter an impartial analysis pursuant to Section 5011 of the California Elections Code (the "Elections Code") and arguments and rebuttals, if any, pursuant to Sections 5012 to 5016, inclusive, and 5025 of the Elections Code.

SECTION 12. The Annexed Territory shall constitute a single election precinct for the purpose of holding the Election.

SECTION 13. The City Clerk is hereby authorized to take any and all steps necessary for the holding of the Election. The City Clerk shall perform and render all services and proceedings incidental to and connected with the Election. These services shall include, but not be limited to, the following activities as are appropriate to the Election:

1. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms;

2. Furnish and address to mail or personally deliver the official ballots to the qualified electors of the Annexed Territory;

3. Cause the official ballots to be mailed or personally delivered, as required by law;

4. Receive the returns of the Election and supplies;

5. Sort and assemble the election material and supplies in preparation for the canvassing of the returns;

6. Canvass the returns of the Election;

7. Furnish a tabulation of the number of votes given in the Election;

8. Make all arrangements and take the necessary steps to pay all costs of the election incurred as a result of services performed for the Annexed Territory and pay costs and expenses of all election officials; and

9. Conduct and handle all other matters relating to the proceedings and conduct of the Election in the manner and form as required by law.

SECTION 14. Following the Election the City Clerk shall present a report to the City Council with the Election results. The Council shall then make a determination as to whether two-thirds or more of the votes cast are in favor of levying the Special Tax within the Annexed Territory. If the Council determines that two-thirds or more of the votes cast are in favor of the Special Tax, this Council may levy the Special Tax in the Annexed Territory in the amount and for the purposes specified in the Resolution of Intention to Annex. The Special Tax may be levied in the Annexed Territory at the rate and may be apportioned in the manner specified in the Resolution of Intention to Annex and in the attached EXHIBIT A.

SECTION 15. The City Clerk, in accordance with Sections 3114.5 and 3117.5 of the Streets and Highways Code, shall record an amendment to the Notice of Special Tax Lien originally recorded pursuant to Section 3114.5 of the California Streets and Highways Code in the office of the County Recorder of the County of Stanislaus as Document No. 96-0090915-00 on October 24, 1996.

The foregoing Resolution was passed and adopted at a regular meeting of the City Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

EXHIBIT A

Exhibit "A"

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO
STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

AMENDED APRIL 1997
FOR
ANNEXATION NO. 1

Prepared by:

VAIL ENGINEERING CORPORATION
2033 Howe Ave., Ste. 220
Sacramento, CA 95825
(916) 929-3323
(916) 929-1772 FAX

COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)
PUBLIC REPORT - MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

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COMMUNITY FACILITIES DISTRICT NO. 1996-1 (VILLAGE ONE)

CITY OF MODESTO, STANISLAUS COUNTY, CALIFORNIA

PUBLIC REPORT

MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

INTRODUCTION

WHEREAS, City Council of the City of Modesto did, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, and specifically Section 53321.5 thereof, expressly order the filing of a written "Report" with the City for a proposed Community Facilities District. This Community Facilities District shall hereinafter be referred to as:

Community Facilities District No. 1996-1 (Village One).

(hereinafter referred to as the "District") and

WHEREAS, the Resolution ordering said "Report" did direct that said "Report" generally contain the following:

(1) A description of the public capital facilities and services proposed for the District;

(2) A general description of the area to be served by said facilities; said areas being the boundaries of the District;

(3) A cost estimate, setting forth the costs and expenses for providing the public facilities and services to the properties within the boundaries of the District and the costs of any incidental expenses to be paid by the District;

(4) The rate and method of apportionment of the special tax in sufficient detail to allow each landowner or resident within the proposed District to estimate the annual amount of payment;

(5) General Terms and conditions relating to the proceedings.

For particulars, references is made to the Resolution of Intention ordering the report, as previously approved and adopted.

NOW, THEREFORE, I, Jerry L. Slinkard, P.E., authorized representative for Vail Engineering Corporation, the appointed responsible officer or person directed to prepare the Report, pursuant to the provisions of the "Mello-Roos Community Facilities Act of 1982", being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, do hereby submit the following data:

PUBLIC REPORT
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

I. DESCRIPTION OF FACILITIES

All facilities described herein are as presented in the *Village One Facilities Master Plan* adopted June 1996. Said master plan is incorporated herein by reference. The following descriptions summarize the facilities to be funded within the CFD 1996-1.

A. ARTERIAL ROADS

The circulation plan for Village One consists of six major streets (four arterials and two expressways). For the purpose of this document, all six roadways are referred to as arterial roads. Urban interchanges are not included in the *Village One Finance Plan*. It is anticipated that subsequent updates to the Capital Facilities Fee Program will include urban interchanges. Refer to the Facilities Master Plan for right-of-way widths along arterial roads. The arterial roads are:

- Claus Road (Expressway): Briggsmore to AT and SF railroad, widen to six-lane expressway.
- Briggsmore (Expressway): Oakdale Road to Claus Road, widen to six-lane expressway.
- Sylvan Avenue: Oakdale Road to Roselle Avenue, widen to six lanes; Roselle Avenue to Clause Road, widen to four lanes plus bike lanes.
- Floyd Avenue: Oakdale Road to Claus Road, widen to four lanes plus bike lanes and parking.
- Oakdale Road: Briggsmore to Sylvan, widen to six lanes.
- Roselle Avenue: Briggsmore to Sylvan, widen to four lanes plus bike lanes.

B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin (9.56 acres):** Retention with pump out facilities to Central Basin.

2. **Central Basin (15.59):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

3. **Industrial Basin (8 acres):** Percolation with pump out facilities to Claus Road Storm Drain with ultimate discharge to Dry Creek.

The facilities to be funded in CFD 1996-1 include: basins, land for basins, trunk gravity, drainage pipes in sizes ranging from 24 inches in diameter to 72 inches in diameter, and force mains. A detailed description and location of facilities is contained in *"Village One Facilities Master Plan"* adopted June 1996 and incorporated herein by reference.

C. UTILITY RELOCATION

The cost of a PG&E high pressure gas main within Claus Road between Briggsmore Avenue and Sylvan Avenue is identified for relocation.

D. PARKS

Three neighborhood parks and one community park will be developed within CFD 1996-1. The development of the parks will include the acquisition of land, park improvements, and street frontage improvements for:

Community Park	39 acres
Roselle Neighborhood Park	7 acres
Claus Neighborhood Park	7 acres
Merle Neighborhood Park	8 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, a bike trail is to be developed along M.I.D. Lateral No. 3, and a trail is to be developed along Claus Road.

E. PUBLIC FACILITIES

An area office for police is proposed within Village One. Funds are provided within CFD 1996-1 for tenant improvements necessary to set up an area office.

F. OTHER

Other costs associated with Village One include reimbursement to the City of Modesto for engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, future annual administration costs for the CFD, and community signage for Village One.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET PARKWAYS*

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road parkways landscaping in a "good standard of maintenance" as defined by the Parks Department. M.I.D. Trail and Claus Trail will be maintained as Class I trails.

**Street parkways includes median and roadside landscape and hardscape.*

II. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT ANNEXATION NO. 1

The maps located at the end of the report includes land within Village One that will be annexed to and contained within Community Facilities District 1996-1 (Village One) Annexation No. 1.

III. COST ESTIMATES

A. CAPITAL COSTS FOR FACILITIES SPECIAL TAX

The capital costs for CFD 1996-1 (Village One) Annexation No. 1 amended April, 1997, as estimated in the *Village One Facilities Master Plan* adopted June 1996, and as shown on page 28 of the *Village One Finance Plan*, is $48,457,856. This figure is based upon 1996 costs as set forth in the adopted Facilities Master Plan for Village One. These costs are subject to an annual inflation adjustment based upon the Engineering News Record Cost Index for the San Francisco region. A breakdown of these costs are as follows:

Arterial Roads		$20,509,278
Storm Drainage		$13,240,470
Utility Relocation		$1,120,458
Parks		$10,863,967
Public Facilities		$25,000
Other		$2,698,683
	Subtotal:	$48,457,856
Annual CFD Administration (1%)		$484,579

In addition to the capital costs, an annual cost to administer the CFD is estimated at 1% of the capitol costs, or $484,579 over the life of the district.

Total district with administration is: **$48,942,435**

B. OPERATIONS AND MAINTENANCE COSTS FOR MAINTENANCE SPECIAL TAX

Estimated annual cost to the CFD at full buildout of Village One in 1996 dollars to provide operations and maintenance (O&M) of parks, street/parkway, and pathways (including landscaping) is $850,000. A breakdown of these annual O&M costs are:

* Annual maintenance cost at buildout in 1996 dollars:

Community Park and three (3) neighborhood parks			$149,073
Street/Parkways: *1,500,000 sq. ft. x $0.417 / sq. ft.*			$625,500
Pathway Landscaping: Subtotal Paths			$44,965
Class I:	*17,889 / 5,280 x $4,020 =*	*$13,560*	
Class II:	*82,388 / 5,280 x $1,500 =*	*$23,405*	
Class III:	*84,480 / 5,280 x $500 =*	*$8,000*	
		$44,965	
Weed and Litter Abatement			$4,251
Misc. Annual Admin/Cont. (3%)			$26,211
		Total Annual Cost:	$850,000

* *Total annual costs at "good" standard for all neighborhood and community parks in 1996 dollars is $708,676. The amount attributed to the Village One CFD is $149,073.*

IV. RATE AND METHOD *(By David Taussig and Associates)*

A special tax applicable to each Assessor's Parcel in Community Facilities District No. 1996-1 (herein "CFD No. 1996-1") shall be levied and collected according to the tax liability determined by the City Council of the City of Modesto, through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 1996-1, unless exempted by law or by the provisions of Section E below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 1996-1 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable Final Subdivision Map, parcel map, or other recorded County parcel map.

"Annual Maintenance Special Tax" means a Special Tax levied in any Fiscal Year to pay for the operations and maintenance of parks, street landscaping pathways, weed and litter abatement, and miscellaneous annual administrative and contractual costs.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

"Assessor's Parcel Map" means an official map of the County Assessor of the County of Stanislaus designating parcels by Assessor's Parcel Number.

"City" means the City of Modesto.

"City Manager" means the City Manager of the City of Modesto.

"Commercial Property" means all Parcels of Developed Property for which a building permit has been issued for a commercial establishment which sells general merchandise, hard goods, personal and professional services, and other items directly to consumers, including but not limited to travel agencies, hardware stores, food stores, automotive dealers, service stations, home furnishing stores,

restaurants, banks, repair shops, movie theaters, day care centers, and art galleries. In addition, all professional office space, including company headquarters, medical office buildings, and other such buildings, will be defined as Commercial Property.

"Council" means the City Council of the City of Modesto, acting as the legislative body of CFD No. 1996-1.

"Developed Property" means, in any Fiscal Year, all Taxable Property for which a building permit for new construction was issued prior to March 1 of the preceding Fiscal Year or for which a Final Subdivision Map was recorded prior to March 1 of the preceding Fiscal Year creating individual lots for which a building permit may be issued without further subdivision.

"Facilities Special Tax" means a Special Tax levied in any Fiscal Year to pay for public facilities authorized to be funded by CFD No. 1996-1, including appurtenant expenses such as planning, design, engineering, inspection and financing costs.

"Final Subdivision Map" means a final subdivision map, or portion thereof, approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410 *et seq.*) that creates individual lots for which building permits may be issued. The term "Final Subdivision Map" shall not include any Assessor's Parcel Map or subdivision map or portion thereof, that does not create individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Gross Acreage" means, for Developed Property, the total acreage within the Final Subdivision Map or Parcel map less arterial road right-of-ways (as defined and identified in the *Village One Specific Plan* #8, the *Village One Financing Plan* and *CFD Public Report*) and property that is identified in the Final Subdivision Map for use as a park site, school site, or storm drainage basin. For Undeveloped Property, Gross Acreage means the acreage identified on the Assessor's Map.

"Industrial Property" means all Parcels of Developed Property for which a building permit has been issued for a non-residential structure that is not Commercial Property.

"Land Use Class" means any of the five classes listed in Table 1 and Table 2 below.

"Maintenance Special Tax Requirement" means the amount necessary in any Fiscal Year (I) to pay for authorized maintenance expenses, (ii) to pay administrative expenses of CFD No. 1996-1, and (iii) to cure any delinquencies in the payment of Annual Maintenance Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below, that can be levied by the City in any Fiscal Year on Taxable Property.

"Multi-Family Residential" means any residential structure consisting of two or more residential units that share common walls including, but not limited to, townhomes, condominiums, duplexes, triplexes, fourplexes, apartment units, including senior housing that fits within the aforementioned description.

"Other Property" means any Parcel of Developed Property for which a building permit has been issued for a use other than Very Low Density Residential, Village Residential, Multi-Family Residential, Commercial or Industrial Property.

"Other Undeveloped Property" means all Taxable Property that is not classified as Developed Property, Undeveloped Commercial Property, Undeveloped Industrial Property or Undeveloped Residential Property.

"Public Agency" means the federal government, State of California or other local governments or public agencies.

"Subdivided Property" means all Parcels which, after recordation of a Final Subdivision Map, are in their final configuration and for which building permits may be issued. Subdivided Property shall not include any Assessor's Parcels that are not individual lots for which a building permit may be issued, including Assessor's Parcels that are designated as a remainder parcel.

"Undeveloped Commercial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Commercial Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Undeveloped Industrial Property" means any Parcel that is not Developed Property that is anticipated to be developed as Industrial Property, as determined first by

reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Undeveloped Residential Property" means any Parcel that is not Developed Property that is anticipated to be further subdivided and developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property, as determined first by reference to the *Village One Specific Plan* and, second, by reference to the Parcel's zoning designation.

"Very Low Density Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density of two or less dwelling units per gross acre.

"Village One Facilities Master Plan" means the facilities master plan for development Village One adopted in June 1996, and as may be amended in the future.

"Village One Specific Plan" means the Specific Plan for development in Village One of the City of Modesto, as adopted by the City Council and as amended in future years.

"Village Residential" means a residential structure consisting of only one residential unit on a Parcel with a maximum density greater than two dwelling units per gross acre.

B. ASSIGNMENT TO LAND USE CLASS

After issuance of a building permit and prior to final building permit inspection or issuance of a certificate of occupancy for a Parcel in CFD No. 1996-1, the Parcel shall be assigned to the appropriate Land Use Class based upon the land use and density proposed for the Parcel. For Multi-Family Residential Property, the number of residential units shall be determined by referencing the condominium plan, apartment plan, site plan or other development plan. If the Parcel is designated as Other Property, the City or its designee shall identify the appropriate Land Use Class for purposes of calculating the Maximum Special Tax by determining the land use that was anticipated for the Parcel based on reference to the current *Village One Specific Plan*. Determination of the appropriate Land Use Class shall be at the sole discretion of the City.

C. MAXIMUM SPECIAL TAX

1. Facilities Special Tax

a) Very Low Density Residential Property and Village Residential Property

Prior to recordation of each Final Map for property in CFD No. 1996-1, the City or its designee shall determine the Gross Acreage included within the Final Map and, for Very Low Density Residential Property and Village Residential Property, shall apply the following steps to determine the actual Maximum Special Tax that will apply to each unit within the Final Map:

Step 1: Determine if there is a portion of the Final Subdivision Map acreage that is not Subdivided Property, as defined in Section A above. Calculate the Gross Acreage associated with such unsubdivided Parcels by identifying the acreage of the Parcel and (i) adding all or a portion of the acreage of any non-arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way to either: 1) the centerline, if acreage within the final map fronts on both sides of the non-arterial road or, 2) the opposite right-of-way line if there is no fronting acreage within the final map or on the opposite side of the non-arterial road, and (ii) subtracting of the acreage of any arterial right-of-way included in the final map.

Step 2: Identify the Land Use Class that applies to all Parcels of Subdivided Property within the Final Subdivision Map.

Step 3: Determine the Gross Acreage of all Subdivided Property included within the Final Subdivision Map. If more than one Land Use Class is represented within the Final Subdivision Map, distribute the Gross Acreage of all Subdivided Property to each Land Use Class.

Step 4: Multiply the Gross Acreage for each Land Use Class determined in Step 3 by the Facilities Special Tax identified for each Land Use Class in Table 1 below.

Step 5: Separately for each Land Use Class identified in the Final Subdivision Map, divide the product determined in Step 4 by the number of residential units within that Land Use Class as reflected in the Final Subdivision Map.

Step 6: Multiply the quotient(s) determined in Step 5 by 1.01 to calculate the Facilities Special Tax per residential unit that shall be collected prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

b) Multi-Family Residential Property, Commercial Property, and Industrial Property

The Maximum Facilities Special Tax for Multi-Family Residential, Commercial and Industrial Property shall be determined as follows:

Step 1: Determine the Gross Acreage of the Multi-Family Residential, Commercial, or Industrial Property within the Final Subdivision Map. Such determination shall include netting out any property within the Final Subdivision Map that is not Subdivided Property, as set forth in Step 1 of Section C.1.a. above.

Step 2: Multiply the Gross Acreage determined in Step 1 by the Maximum Facilities Special Tax applicable to each Land Use Class as shown in Table 1 below.

Step 3: Multiply the product determined in Step 2 above by 1.01 to calculate the total Facilities Special Tax that shall be collected from Multi-Family Residential, Commercial or Industrial Property prior to final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

Table 1
Per-Acre Special Tax to be Used in
Calculation of Maximum Facilities Special Tax
For Annexation Area No. 1
(Fiscal Year 1996-97)

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	$19,654 per Gross Acre
2	Village Residential	$29,398 per Gross Acre
3	Multi-Family Residential	$76,228 per Gross Acre
4	Commercial	$86,313 per Gross Acre
5	Industrial	$40,419 per Gross Acre

Beginning in January 1997, the Facilities Special Tax shall be adjusted annually by applying the greater of (I) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the Facilities Special Tax shall become effective on the subsequent July 1, and shall apply to all Parcels which have not paid the Facilities Special Tax prior to July 1.

The Facilities Special Tax represents a lien on each Parcel which is anticipated to be released upon payment of the Facilities Special Tax, which is expected to occur no later than final building permit inspection or issuance of a certificate of occupancy, whichever occurs first.

2. Maintenance Special Tax

All Taxable Property within this CFD Annexation No. 1 shall be subject to a Maintenance Special Tax that shall be levied each Fiscal Year to meet the Maintenance Special Tax Requirement. The Annual Maintenance Special Tax shall be reflected as an annual lien on each Parcel in CFD No. 1996-1 and is anticipated to stay with the property and be paid each year by the current homeowner or property owner.

a) Developed Property

The following maximum rates apply to all Parcels of Developed Property within CFD No. 1996-1 for each Fiscal Year in which the Maintenance Special Tax will be levied:

Table 2
Maximum Annual Maintenance Special Tax
(Fiscal Year 1996-97)

Land Use Class	Description	Maximum Annual Maintenance Special Tax
1	Very Low Density Residential	$112.43 per lot
2	Village Residential	$112.43 per lot
3	Multi-Family Residential	$ 72.99 per unit
4	Commercial	$394.30 per Gross Acre
5	Industrial	$394.30 per Gross Acre

Beginning in January 1997, the maximum Annual Maintenance Special Tax shall be adjusted annually by applying the greater of (I) the construction cost index for the San Francisco region for the prior twelve (12) month period as published in the Engineering News Record or other comparable source if the Engineering News Record is discontinued or otherwise not available, or (ii) four percent (4.0%). Each annual adjustment of the maximum Annual Maintenance Special Tax shall become effective on the subsequent July 1.

b) Undeveloped Property

Undeveloped Residential Property:

The maximum Annual Maintenance Special Tax for each Parcel of Residential Undeveloped Property shall be determined as follows:

Step 1: Determine whether the Parcel will be developed as Very Low Density Residential, Village Residential or Multi-Family Residential Property determined by reference to the *Village One Specific Plan*.

Step 2: Multiply the average density for the Parcel's Land Use Class as determined in Step 1 by the Gross Acreage of the Parcel to determine the average number of units that could be built on the Parcel. The average density for each Land Use Class shall be determined based on reference to the *Village One Specific Plan*.

Step 3: Multiply the average number of units for the Parcel as determined in Step 2 by the maximum Annual Maintenance Special Tax for the appropriate Land Use Class, as determined by reference to Table 2.

Step 4: Multiply the figure calculated in Step 3 by 0.50 to determine the total Maintenance Special Tax to be levied on the Parcel.

Undeveloped Commercial and Undeveloped Industrial Property:

The maximum annual Maintenance Special Tax that can be levied on Undeveloped Commercial and Undeveloped Industrial Property is the same as those rates identified in Table 2 above for Developed Commercial or Industrial Property.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

1. Facilities Special Tax

The Facilities Special Tax shall be collected prior to a final building permit inspection being completed or a certificate of occupancy being issued for new construction for any residential or non-residential structure within CFD No. 1996-1 and shall be immediately delinquent if not so paid.

2. Maintenance Special Tax

Commencing with Fiscal Year 1997-98 and for each following Fiscal Year, the City or its designee shall determine the Maintenance Special Tax Requirement to be collected from Taxable Property in CFD No. 1996-1 in the Fiscal Year. The Maintenance Special Tax shall then be levied as follows:

Step 1: Calculate the total Maintenance Special Tax revenues that could be collected from Developed and Undeveloped Property within the CFD based on application of the maximum Annual Maintenance Special Tax rates determined pursuant to Section C above.

Step 2: Divide the Maintenance Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.

Step 3: If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Maintenance Special Tax determined pursuant to Section C on all Developed and Undeveloped Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.

Step 4: Levy the maximum Annual Maintenance Special Tax against all Parcels of Developed Property. Subtract the amount generated from Developed Property from the Maintenance Special Tax Requirement, and levy a Maintenance Special Tax on all Parcels of Undeveloped Residential, Undeveloped Commercial and Undeveloped Industrial Property in equal percentages up to 100% of the maximum Annual Maintenance Special Tax for Undeveloped Property determined pursuant to Section C.2.b. above.

The Annual Maintenance Special Tax for CFD No. 1996-1 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that CFD No. 1996-1 may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Special Taxes will be equally subject to foreclosure if delinquent as annual Special Taxes.

E. LIMITATIONS

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on structures built on land that has been conveyed to a Public Agency, except as otherwise provided in Sections 53317.3 and 53317.5 of the Mello-Roos Community Facilities Act of 1982.

F. ENFORCEMENT

All delinquent Facility Special Taxes, or delinquent Maintenance Special Taxes billed off the County tax roll, shall be subject to an immediate 10% penalty plus interest charges of 1 1/2% as of the first day of the month after the delinquency date and on the first day of each month thereafter. Any such delinquent Special Taxes shall, at the City's discretion, be placed on the next secured property tax roll. The amount placed on the roll shall include the 10% penalty and the interest charges through the following December 1. This shall not prevent the City from simultaneously pursuing the delinquency by an action on a contract or guarantee against a third party who promised to pay the taxes, or from assigning such right of action to the property owner or other appropriate party.

V. GENERAL TERMS AND CONDITIONS

A. SUBSTITUTION FACILITIES

The description of the general capital facilities, as set forth herein and as shown in the Facilities Master Plan, are conceptual in their nature. The final nature and location of improvements and facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes, in lieu or modifications to the proposed work in order to accomplish the work of improvement, and any such substitution shall not be a change or modification in the proceedings as long as the facilities provide a service substantially similar to that as set forth in this report.

B. APPEALS AND INTERPRETATION PROCEDURE

Any landowner or resident who feels that the amount of formula of the special tax is in error may file a notice with the legislative body appealing the levy of the special tax. An appeals panel of three members, as appointed by the legislative body, will then meet and promptly review the appeal, and if necessary, meet with the applicant. If the findings of the Appeals Board verify that the tax should be modified or changed, a recommendation at that time will be made to the legislative body, as appropriate, the special tax levy shall be corrected, and if applicable, in any case, a refund shall be granted.

Interpretations may be made by the legislative body by Resolution for purposes of clarifying any vagueness or ambiguity as it relates to any category, zone, rate or definition applicable to these proceedings.

C. ADMINISTRATION OF FUNDS

1. Facilities Fund

All funds received from the payment of the one-time facilities special tax shall be maintained in a single facilities fund account. This account shall apportion the funds into the facilities categories as shown on page 43 of the "City of Modesto Village One Finance Plan" as adopted by the City Council in Resolution No. 96-463 dated August 13, 1996, or as said ordinance may be amended. The City has full discretion in the use of the funds for all authorized facilities within this pooled account. Accounting of the fund shall

track the use of funds to insure the ultimate distribution of funds at buildout are as proportioned in said Ordinance 96-463.

2. Maintenance Fund

All annual maintenance special taxes shall be maintained in a single account. Funds shall be utilized at the discretion of the City to fund authorized maintenance and administration services.

VI. CERTIFICATION

It is my opinion that the special tax rate and method of apportionment, as set forth, is fair and equitable, uniformly applied, and not discriminatory or arbitrary.

Jerry L. Slinkard
Vail Engineering Corporation

Date

Print

MODESTO CITY COUNCIL
RESOLUTION NO. 98-679

A RESOLUTION APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF MODESTO AND DALE E. VOLZ, DBA DELUXE BOOKBINDING FOR A COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the loan agreement between the City of Modesto and Dale E. Volz, dba Deluxe Bookbinding for a Community Development Block Grant Small Business Loan be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Dobbs, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 98-680

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A RESOLUTION APPOINTING ANDREW MENDLIN TO THE PLANNING COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Andrew Mendlin is hereby appointed to the Planning Commission with a term expiration of December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Planning Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

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MODESTO CITY COUNCIL
RESOLUTION NO. 98-681

A RESOLUTION APPOINTING SUSAN BANTON TO THE BOARD OF ZONING ADJUSTMENT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Susan Banton is hereby appointed to the Board of Zoning Adjustment with a term expiration of December 31, 2002.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly 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 15th day of December, 1998, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk