

MODESTO CITY COUNCIL
RESOLUTION NO. 96-1

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL, INC. FOR THE PROJECT TITLED "KANSAS AVENUE AND 9TH STREET TRAFFIC IMPROVEMENTS"

WHEREAS, the bids received for the project titled "Kansas Avenue and 9th Street Traffic Improvements" were opened at 2:00 p.m. on December 12, 1995, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Collins Electrical, Inc. for a total cost not to exceed \$51,498.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical, Inc. be accepted and the execution of a contract for the project titled "Kansas Avenue and 9th Street Traffic Improvements" by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-2

A RESOLUTION ACCEPTING THE PROJECT TITLED "EMERALD AVENUE LIFT STATION REHABILITATION" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled "Emerald Avenue Lift Station Rehabilitation" has been completed by Scrimsher & Mineni Construction, Inc., in accordance with the contract agreement dated July 19, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Emerald Avenue Lift Station Rehabilitation be accepted from said contractor, Scrimsher & Mineni Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$505,065.55, 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 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-3

A RESOLUTION ACCEPTING THE PROJECT TITLED "CROWS LANDING DRAIN BASIN OUTFALL REBUILD PROJECT" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled "Crows Landing Drain Basin Outfall Rebuild Project" has been completed by Falco Construction, in accordance with the contract agreement dated July 18, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Crows Landing Drain Basin Outfall Rebuild Project be accepted from said contractor, Falco Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$51,574.32, 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 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-4

A RESOLUTION ACCEPTING THE PROJECT TITLED "T-HANGAR A & D PAVEMENT PROJECT" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled "T-Hangar A & D Pavement Project" has been completed by Teichert Construction, in accordance with the contract agreement dated September 5, 1995.

NOW, THEREFORE, BE IT RESOLVED that the T-Hangar A & D Pavement Project be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$48,162.00, 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 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-5

A RESOLUTION REJECTING BIDS FOR BEARD BROOK PARK BALLFIELD LIGHTING, OPENED AT 2:05 P.M. IN THE OFFICE OF THE CITY CLERK ON DECEMBER 19, 1995, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, bids received for Beard Brook Park Ballfield Lighting, were opened on December 19, 1995; and

WHEREAS, during the bid evaluation process, staff learned of additional features and enhancements that are desirable and recommends bids be rejected and specifications be rewritten to incorporate these features.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for Beard Brook Park Ballfield Lighting, opened in the office of the City Clerk on December 19, 1995, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Beard Brook Ballfield Lighting to be opened January 16, 1996, at 2:00 p.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers: McClanahan

ATTEST: 
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-6

A RESOLUTION DESIGNATING COUNCILMEMBER GERALD MCKINSEY 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 Gerald McKinsey 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 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-7

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY AND ASSOCIATES, AND TERMINATING AN AGREEMENT APPROVED MAY 2, 1995

WHEREAS, the agreement with Brady and Associates for Consulting Services for preparation of the Specific Plan and Environmental Impact Report to develop a business park in the Kiernan-Pelandale Corridor was signed on May 2, 1995.

WHEREAS, the project site is smaller, the Specific Plan will be shorter, and the EIR will be a Focused Environmental Impact Report, it is necessary to terminate the May 2, 1995 agreement and enter into a new agreement with Brady and Associates.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Brady and Associates dated May 2, 1995 be terminated and a new agreement be entered into, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution 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 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-8

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC DESIGN ASSOCIATES, INC.

WHEREAS, the agreement with Pacific Design Associates, Inc. for Architectural Services for New City Hall Tenant Improvement Project was signed on August 21, 1995.

WHEREAS, programming and space planning work on the remaining City facilities has changed the scope of work of the original agreement.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to the agreement between the City of Modesto and Pacific Design Associates, Inc. be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 96-8A**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR AN EXISTING CIP PROJECT, CITY HALL TENANT IMPROVEMENTS.

WHEREAS, during the programming and space planning efforts for the new City Hall it became clear that we would need to rely on some existing facilities to house Departments and/or Divisions that will not be located in the new City Hall.

WHEREAS, an amendment to the Pacific Design Associates' agreement is necessary for them to perform preliminary space planning and layout for the Crocker Building.

WHEREAS, this resolution provides funding from the Capital Facility Fee - Other Facilities Contingency reserve, for the increased project scope.

The following adjustments are necessary:

CFF-Other Public Facilities Fund 138

Fund/Agy/Org		Increase (Decrease)
Expenditures		
138-430-E628-6010	New City Hall Tenant Improvements	\$9,000
138-800-8000-8003	CFF Other Facilities Contingency Reserve	(\$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 Council of the City of Modesto held on the 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-9

A RESOLUTION AUTHORIZING PUBLIC WORKS AND TRANSPORTATION STAFF TO AUTHORIZE MODESTO AND EMPIRE TRACTION COMPANY (M&ET) TO PREPURCHASE RAILROAD GRADE CROSSING PROTECTION FOR THE INTERSECTIONS OF GARNER ROAD AND FUTURE EXTENDED NORSEMAN DRIVE AND THE M&ET TRACKS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Public Works and Transportation authorize Modesto and Empire Traction Company (M&ET) to prepurchase railroad grade crossing protection for the intersections of Garner Road and future extended Norsemen Drive with the M&ET tracks be, and it is hereby approved.

BE IT FURTHER RESOLVED that the authorization by the designated 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 January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor
Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-10

A RESOLUTION APPROVING A FINANCING AGREEMENT BETWEEN THE CITY OF MODESTO AND EVERETT T. JACKSON, dba SLIM CHIMNEY SWEEP & ROOF CARE, UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that a financing agreement between the City of Modesto and Everett T. Jackson, dba Slim Chimney Sweep & Roof Care, under the Community Development Block Grant Small Business Loan Program be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, Fishers, Friedman, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Serpa

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-11

A RESOLUTION ACCEPTING IMPROVEMENTS IN CONANT MEADOWS SUBDIVISION AND
AUTHORIZING RELEASE OF IRREVOCABLE STANDBY LETTER OF CREDIT

WHEREAS, Housing Authority of Stanislaus County, subdividers of Conant Meadows, have filed an Irrevocable Standby Letter of Credit for faithful performance and labor and materials in the amount of \$303,350.00 and \$151,675.00 respectively to guarantee improvements in Conant Meadows Subdivision and;

Whereas, the Director of Public Works in a memorandum dated December 14, 1995, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Director of Public Works 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 Irrevocable Standby Letter of Credit upon expiration of the statutory period.

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

1. The improvements in Conant Meadows Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Irrevocable Standby Letter of Credit for faithful performance in the amount of \$303,350.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Irrevocable Standby Letter of Credit for labor and materials in the amount of \$151,675.00 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 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers: McClanahan, Serpa

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-12

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF TODD BROWNING FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE

WHEREAS, Todd Browning was appointed a member of the Human Relations Commission on May 17, 1994; and

WHEREAS, Todd Browning has tendered his resignation from the Human Relations Commission, effective January 2, 1996; and

WHEREAS, Todd Browning 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 Todd Browning 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 Todd Browning 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 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-13

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LOUIS M. LEVIN FROM THE HUMAN RELATIONS COMMISSION

WHEREAS, Louis M. Levin was appointed a member of the Human Relations Commission on December 15, 1992; and

WHEREAS, Louis M. Levin has tendered his resignation from the Human Relations Commission, effective January 2, 1996; and

WHEREAS, Louis M. Levin 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 Louis M. Levin 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 Louis M. Levin 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 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers:

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-14

A RESOLUTION APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS

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. Various Boardmembers and Commissioners are hereby appointed and reappointed as designated on Exhibit A which is attached hereto and made a part hereof.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the various Boards and Commissions, and the Secretaries thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1996, by Councilmember Friedman, who moved its 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, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

EXHIBIT A

APPOINTMENTS

GOLF COURSE ADVISORY COMMITTEE

Tom Budhi - Creekside Golf Club
Stephen Cherepy - Modesto Golf Club
Elouise Hanson - Dryden Ladies Club
Don Harman - SIRS
Carole Silveria - Muni Niners Golf
Greg Clark
Michael Clear
Linda McElroy
Jack Recca
Carmel Sielicki
Jean Smith
Frank Muratore - non-voting member

ECONOMIC DEVELOPMENT LOAN COMMITTEE

Richard Almanza - term expires 1/1/2000

PLANNING COMMISSION

Elizabeth Ustach - term expires 1/1/2000

REAPPOINTMENTS

AFFIRMATIVE ACTION COMMISSION

Terri Amerio Bell - term expires 1/1/98
Dwight Bateman - term expires 1/1/98

HUMAN RELATIONS COMMISSION

Jess Dacuycuy - term expires 1/1/99
Harold Mallory - term expires 1/1/2000
Earl Howard - 1/1/2000

BOARD OF ZONING ADJUSTMENT

Michael Pratt - term expires 1/1/2000

CULTURE COMMISSION

Alice Beamish - term expires 1/1/2000

LANDMARK PRESERVATION COMMISSION

Alfred Menshew - term expires 1/1/2000
Jack Dooley - term expires 1/1/2000

TUOLUMNE RIVER REGIONAL PARK CITIZENS COMMITTEE

David Gianelli - term expires 1/1/2000

ECONOMIC DEVELOPMENT LOAN COMMITTEE

Norm Porges - term expires 1/1/2000

MODESTO CITY COUNCIL
RESOLUTION NO. 96-15

A RESOLUTION ACCEPTING THE CERTIFICATION OF
THE SIGNATURE COUNT ON AN INITIATIVE
ORDINANCE REQUIRING AN ADVISORY VOTE PRIOR TO
APPROVAL OF FUNDS FOR SEWER IMPROVEMENTS
WHICH ALLOW URBAN DEVELOPMENT (AARVIG
INITIATIVE).

WHEREAS, an initiative petition has been circulated by
proponent Forrest Aarvig to place on the ballot an ordinance
requiring an advisory vote prior to approval of funds for sewer
improvements which allow urban development, and

WHEREAS, the Stanislaus County Clerk's Office has
verified signatures and found the petition to be insufficient to
qualify for a special election but sufficient to qualify for
submission to the voters at the next regular election, and

WHEREAS, pursuant to Election Code Section 9114, the
election official shall verify the results of the examination of
the petition to the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Stanislaus County Clerk's Office has
verified signatures as follows:

A total of 17,944 signatures were submitted;
11,049 signatures were found to be sufficient; and
6,895 signatures were found to be invalid.

A total of 15% of the registered voters (11,569) were
required to call a special election.

A total of 10% of the registered voters (7,712) were
required for the ordinance to be placed on the next
regular municipal election.

BE IT FURTHER RESOLVED that the Council hereby accepts the certification of signature count as set forth on the Certificate of Signatures for an Initiative Ordinance Requiring an Advisory Vote Prior to Approval of Funds for Sewer Improvements which Allow Urban Development, a copy of which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, Mcclanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

CITY COUNCIL AGENDA JANUARY 9, 1996

CERTIFICATE OF SIGNATURES
FOR INITIATIVE ORDINANCE
REQUIRING AN ADVISORY VOTE
PRIOR TO APPROVAL OF FUNDS
FOR SEWER IMPROVEMENTS WHICH ALLOW
URBAN DEVELOPMENT

I, Jean Adams, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk's Office, on December 27, 1995, to verify signatures for the above stated ordinance.

A total of 17,944 signatures were submitted, 11,049 were found to be sufficient and 6,895 were found to be invalid.

A total of 15% of the registered voters (11,569) were required to call a special election.

A total of 10% of the registered voters (7,712) were required for the ordinance to be placed on the next regular municipal election.

Jean Adams
City Clerk & Auditor
City of Modesto

December 9, 1995

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-16

A RESOLUTION ACCEPTING THE CERTIFICATION OF THE SIGNATURE COUNT ON AN INITIATIVE ORDINANCE REQUIRING AN ADVISORY VOTE PRIOR TO APPROVAL OF FUNDS FOR SEWER IMPROVEMENTS WHICH ALLOW URBAN DEVELOPMENT (AARVIG INITIATIVE), AND ORDERING THE CITY CLERK TO SUBMIT AN ORDINANCE TO THE VOTERS AT THE NEXT REGULAR MUNICIPAL ELECTION.

WHEREAS, an initiative petition has been circulated by proponent Forrest Aarvig to place on the ballot an ordinance requiring an advisory vote prior to approval of funds for sewer improvements which allow urban development, and

WHEREAS, the Stanislaus County Clerk's Office has verified signatures and found the petition to be insufficient to qualify for a special election but sufficient to qualify for submission to the voters at the next regular election, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the certification of signature count as set forth on the Certificate of Signatures for an Initiative Ordinance Requiring an Advisory Vote Prior to Approval of Funds for Sewer Improvements which Allow Urban Development, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Council hereby orders the City Clerk to submit the initiative ordinance requiring an advisory vote prior to approval of funds for sewer improvements which allow urban development to the voters at the next regular

municipal election which will be held on November 4, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman,
McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-17

A RESOLUTION DETERMINING NOT TO PROVIDE
COUNCILMEMBER MIKE SERPA WITH A DEFENSE IN A
STANISLAUS COUNTY SUPERIOR COURT ELECTION
CONTEST BROUGHT BY CANDIDATE JESSE ALEXANDER.

WHEREAS, Councilmember Serpa is a party defendant in an election contest brought by Jesse Alexander, the candidate in a run-off election who ran for a Council seat, said matter relates to errors made in counting the ballots, and

WHEREAS, Councilmember Serpa has asked whether or not the City Attorney's Office has an obligation to defend him in this action, and

WHEREAS, as set forth in a report to the Council from the City Attorney dated January 4, 1996, a copy of which report is on file in the office of the City Clerk, the City Council has the authority to make such a determination,

WHEREAS, on January 9, 1996, said matter was considered by the Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has determined not to provide Councilmember Mike Serpa with a defense in said Stanislaus County Superior Court election contest brought by Candidate Jesse Alexander.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1996, 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, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	Friedman
ABSENT:	Councilmembers:	Serpa

ATTEST: *Jean Adams*
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

4

MODESTO CITY COUNCIL
RESOLUTION NO. 96-18

A RESOLUTION APPROVING THE 1996 PARATRANSIT
PLAN UPDATE.

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

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

WHEREAS, consideration of a proposed annual update of the Americans With Disabilities Act of 1990 (ADA) Paratransit Plan, was set for a public hearing of the City Council to be held on January 16, 1996, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Americans With Disabilities Act of 1990 (ADA) 1996 Paratransit Plan Update, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers:

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

NOTICE OF PUBLIC HEARING TO CONSIDER

THE CITY OF MODESTO'S

UPDATE OF ITS PARATRANSIT PLAN

AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT OF 1990

A public hearing will be held Tuesday, January 16, 1996, at 7:00pm, in the City Council Chambers, Modesto City Hall, 801 Eleventh Street, Modesto, to consider the annual update of the Plan developed by the City of Modesto to ensure that its paratransit system (Modesto Area Dial-A-Ride) complies with the requirements of the Americans with Disabilities Act. At the hearing, the City Council will afford the opportunity for interested persons, parties, or agencies to publicly comment on the Plan. Copies of the draft plan update are available in print and will be made available in alternative formats upon request. Please contact the Transportation Division Office at City Hall (209)577-5293.

Exhibit "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 96-19

A RESOLUTION ADOPTING THE
PELANDALE/SNYDER SPECIFIC PLAN.

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

WHEREAS, on August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan which contains Community Development policies including the Pelandale/Snyder Comprehensive Planning District which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, a consortium of property owners has prepared a Specific Plan for the area described as the Pelandale/Snyder Specific Plan Area, located between Snyder Avenue and the extension of Pelandale Avenue, extending east from Dale Road and west from the Union Pacific Rail Road tracks, and

WHEREAS, in March, 1993, the applicant initiated a proposal for development of approximately 408 acres with the principal components being single-family and multi-family residential development, professional office development, a

neighborhood park, and elementary school, and a Class I bikeway along the M.I.D. right-of-way, and

WHEREAS, the proposed project consists of a Specific Plan, a General Plan Amendment, an Environmental Impact Report, a prezone and ultimately an annexation to the City of Modesto, and

WHEREAS, on October 16, 1995, the Planning Commission held a duly noticed public workshop relating to said project and received public comment, and

WHEREAS, on November 15, 1995, City staff presented the proposed project Specific Plan, the Draft EIR, the Prezone, the General Plan Amendment, and Annexation to the Community Development and Housing Committee of the City Council, and said Committee moved to recommend adoption of the proposed project, and

WHEREAS, on December 4, 1995, the Planning Commission held a duly noticed public hearing in the Council Chambers, City Hall, 801 11th Street, Modesto, California, after which the Planning Commission adopted Resolution No. 95-33 recommending that the City Council approve the Pelandale/Snyder Specific Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 12, 1995, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street,

Modesto, California, at which date and time said duly noticed public hearing of the Council was held and evidence both oral and documentary was received and considered, and the City Council adopted the Pelandale/Snyder Specific Plan, as proposed, with the land uses as shown on page 29 (figure 2) of the Final EIR ("the proposed land use diagram"), with the alignment of the Pelandale Expressway as shown on page 32 of the Final EIR (figure 3), a copy of which is on file in the office of the City Clerk, and

WHEREAS, on January 2, 1996, the City Council did not approve of the adoption of the rezoning ordinance for the project and directed City staff to bring the entire project, with the alignment of Pelandale Avenue as shown on page 29 of the Final EIR (figure 2), to the City Council on January 16, 1996, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 16, 1996, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held and evidence both oral and documentary was received and considered,

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

The Specific Plan for the Pelandale/Snyder area is consistent with the current Urban

Area General Plan, except for that portion of the plan which pertains to the General Plan Amendment, the designation of the property north of the MID Lateral No. 6 and east of Tully Road in the Specific Plan area.

BE IT FURTHER RESOLVED that the Council hereby adopts the Pelandale/Snyder Specific Plan, as proposed, except that Pelandale Avenue is to be constructed for two-way traffic from Dale Road to McHenry Avenue prior to development of the Specific Plan Area. The funding mechanism for this construction shall be identified as the Financing Plan for the project and is to be implemented prior to any development approvals in the Specific Plan Area.

BE IT FURTHER RESOLVED that Resolution No. 95-582 adopted by the Council on December 12, 1995, in connection with the project is hereby repealed.

BE IT FURTHER RESOLVED that this resolution shall become effective on the effective date of Ordinance No. 2969-C.S., introduced by the Council on January 16, 1996, rezoning the Pelandale/Snyder Specific Plan Area to P-R-1, P-R-3, P-P-0 and SP-0.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, 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, McClanahan,
McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: Dobbs
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-20

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN TO CHANGE THE GENERAL PLAN DESIGNATION FOR ALL PROPERTY EAST OF TULLY ROAD FROM RESIDENTIAL (R) TO MIXED USE (MU) TO ALLOW FOR THE BUILD-OUT OF THE EXISTING MC KINNEY COLONY, AQUEDUCT, AND NORTHWEST MC HENRY NEIGHBORHOODS IN THE PELANDALE/SNYDER COMPREHENSIVE PLANNING DISTRICT, AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

WHEREAS, a new General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", as recommended by the Modesto City Planning Commission, was adopted by the Council of the City of Modesto by Resolution No. 95-409 on August 15, 1995, and

WHEREAS, the current Urban Area General Plan recognizes the entire proposed Pelandale/Snyder Specific Plan area as "residential", and

WHEREAS, the Pelandale/Snyder Specific Plan is consistent with the current Urban Area General Plan, except for that portion of the plan which pertains to the General Plan Amendment, the designation of the property north of the MID Lateral No. 6 and east of Tully Road in the specific Plan Area, and

WHEREAS, in March 1993, the applicant initiated the process to prepare this project: A Specific Plan, a General Plan Amendment, an Environmental Impact Report, a Prezone and ultimately an Annexation to the City of Modesto, and

WHEREAS, pursuant to the provisions of Government Code Section 65354 of the State of California, the Modesto City Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan, and

WHEREAS, on October 16, 1995, the Planning Commission held a duly noticed public workshop relating to said proposed project, and

WHEREAS, on November 15, 1995, City staff presented the Specific Plan, the Draft EIR, the Prezone, the General Plan Amendment, and Annexation to the Community Development and Housing Committee of the City Council, and said Committee moved to recommend adoption of the proposed project, and

WHEREAS, on December 4, 1995, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to the Pelandale/Snyder Specific Plan, General Plan Amendment, Prezone, and proposed Annexation, at which time all interested persons were heard and their testimony, both oral and written was considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 95-33, recommending to the City Council an amendment to the General Plan to reflect a change to the General Plan designation for all property east of Tully Road from Residential (R) to Mixed Use (MU) to allow for

the build-out of the existing McKinney Colony, Aqueduct, and Northwest McHenry Neighborhoods in the Pelandale/Snyder Comprehensive Planning District, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 12, 1995, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed project, and

WHEREAS, after said public hearing, the Council adopted Resolution No. 95-581 to amend the General Plan to accommodate the project, and

WHEREAS, on January 2, 1996, the Council directed City staff to notice a new public hearing for the proposed project, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 16, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed project, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the Final Environmental Impact Report (SCH 93042004) prepared for the proposed Pelandale/Snyder Specific Plan, as required by Section

15025 of the CEQA Guidelines, a copy of which Final Environmental Impact Report is on file in the office of the City Clerk,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that the amendment to the General Plan to reflect a change to the General Plan designation for all property east of Tully Road from Residential (R) to Mixed Use (MU) to allow for the build-out of the existing McKinney Colony, Aqueduct, and Northwest McHenry Neighborhoods in the Pelandale/Snyder Comprehensive Planning District, in the City of Modesto is logical and necessary for the orderly development of the City of Modesto and is required for the public health, safety and welfare for the following reason:

The proposed Pelandale/Snyder Specific Plan and the General Plan Amendment are internally consistent with the City of Modesto's currently Urban Area General Plan as follows:

- a. Multi-family housing is located along major streets, and provides an important component of the City's affordable housing goals.
- b. The designation of the P-O area as shown on the plan to "mixed use" in the General Plan allows for professional offices at the intersection of a major street and a proposed expressway.
- c. The single-family designation along with the multi-family designation is consistent with the development pattern throughout most of the City and provides a balance of residential land uses.

BE IT FURTHER RESOLVED by the Council that the General Plan be and hereby is amended to revise the Pelandale/Snyder Comprehensive Planning District to read as shown on Exhibit "A",

attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of said Amended General Plan to the Board of Supervisors of the County of Stanislaus.

BE IT FURTHER RESOLVED by the Council that the previous Resolution (No. 95-581) amending the General Plan relating to this project which was adopted by the Council on December 12, 1995, is hereby repealed.

BE IT FURTHER RESOLVED by the Council that this resolution shall become effective on the effective date of Ordinance No. 2969-C.S., introduced by the Council on January 16, 1996, rezoning the Specific Plan Area to P-R-1, P-R-3, P-P-O and SP-O.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, 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, McClanahan,
McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: None

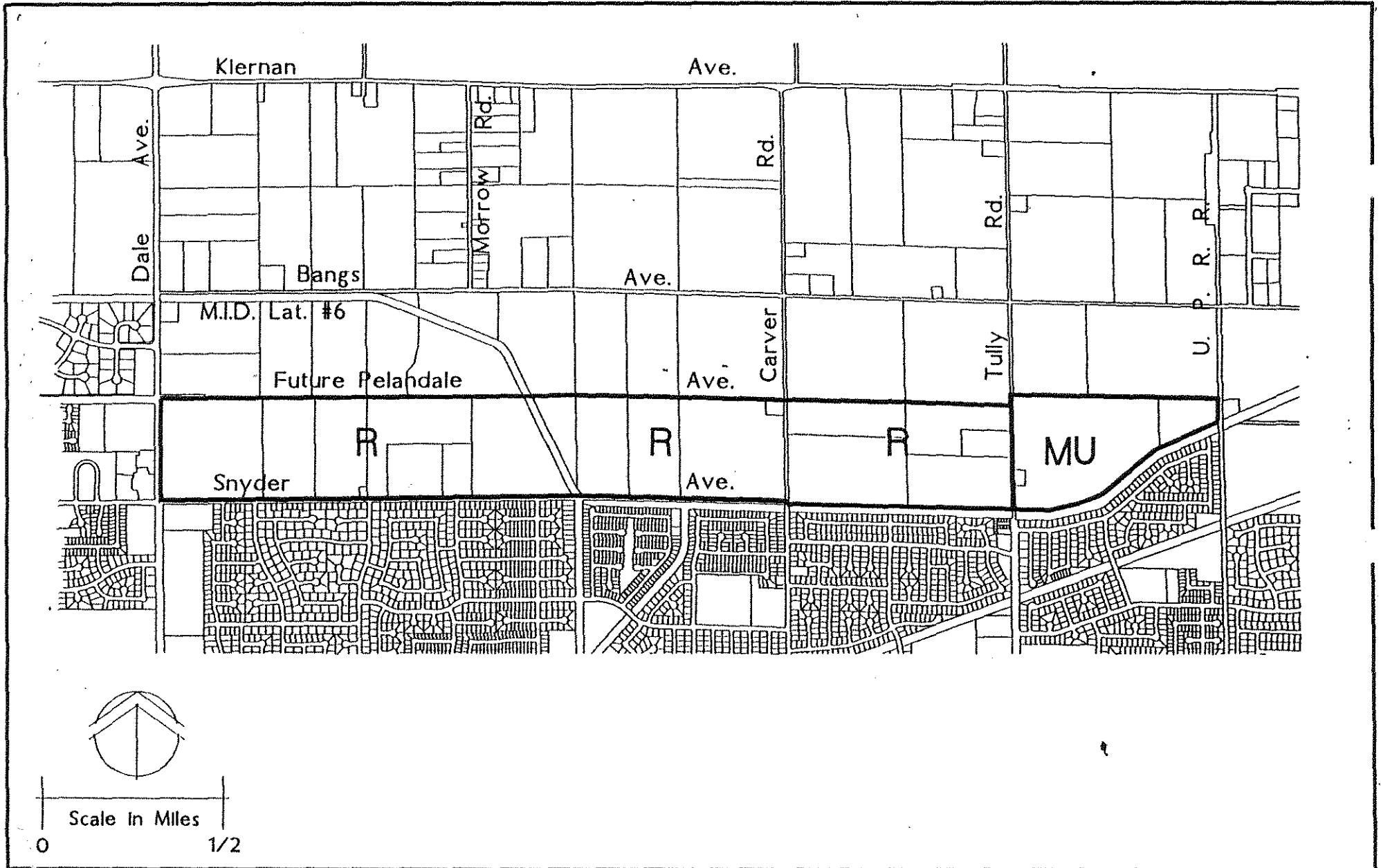
ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Exhibit A



Date

MODESTO CITY COUNCIL
RESOLUTION NO. 96-21

A RESOLUTION IN SUPPORT OF THE APPLICATION OF
SEVERAL PROPERTY OWNERS TO THE LOCAL AGENCY
FORMATION COMMISSION TO TAKE PROCEEDINGS FOR
THE PELANDALE/SNYDER REORGANIZATION TO THE
CITY OF MODESTO. (UNINHABITED)

WHEREAS, certain property owners have requested the support of the City on their application to the Stanislaus County Local Agency Formation Commission for a reorganization to the City of Modesto, and

WHEREAS, said property owners desire to initiate proceedings pursuant to the Cortese-Knox Local Government Reorganization Act of 1985, Division 3, commencing with Section 56000 of the California Government Code, for the Pelandale/Snyder Reorganization to the City of Modesto, and

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

WHEREAS, the area proposed to be annexed is within the sphere of influence of the City of Modesto, as adopted on December 19, 1994, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

- (a) The annexation of said territory, as set forth on Exhibit "A" attached hereto, to the City of Modesto;

- (b) The detachment of said territory from the Salida Fire Protection District; and
- (c) The annexation of said territory to the Modesto Municipal Sewer District No. 1, and

WHEREAS, the reason for this proposed Pelandale/Snyder Reorganization to the City of Modesto is as follows:

The requested reorganization is required by public convenience or necessity because the Pelandale/Snyder Comprehensive Planning District is consistent with the City of Modesto Urban Area General Plan.

The requested reorganization will result in an orderly planned use of land resources because the proposed Pelandale/Snyder Specific Plan implements a Community Growth Policy of the general Plan to provide sufficient land supply, namely; it promotes the expansion of the Modesto Urban Area towards the north to ensure that the downtown redevelopment area remains the "central core" of Modesto, and provides social and economic development for the north side of Modesto.

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

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

1. That future development of this site shall be consistent with the Pelandale/Snyder Specific Plan, adopted by the Council of the City of Modesto on January 16, 1996.

2. That this Resolution In Support Of Application is hereby adopted.

BE IT FURTHER RESOLVED by the Council that the City suggests that the Stanislaus County Local Agency Formation Commission, as a Responsible Agency for the purposes of the

California Environmental Quality Act, consider the certified Final Program Environmental Impact Report, LAFCO's deliberations on this Reorganization application.

BE IT FURTHER RESOLVED by the Council that the City Clerk of the City of Modesto is hereby directed to file a certified copy of this resolution with the Executive Officer of the Local Agency Formation Commission of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of Januar-, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: Dobbs
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



A Professional Corporation

900 "H" ST., SUITE G • P. O. BOX 816 • MODESTO, CA 95353
(209) 526-4214 • FAX (209) 526-0803

December 19, 1995

Job No. 70-332

EXHIBIT "A"
LEGAL DESCRIPTION

PELANDALE ANNEXATION

ALL that certain real property being a portion of Section 1, Township 3 South, Range 8 East, Sections 5, 6, 7, and 8, township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

BEGINNING at the Southwest corner of the North half of the South half of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, as shown on the map filed in Volume 8 of Surveys, at Page 26, Stanislaus County Records; thence North 89 degrees 07'16" East, along said South line of the North half of the South half of Section 1, a distance of 5,293.70 feet to a point on the East line of said Section 1, and the Northwest corner of Lot 6, as shown on the Nash Tract, filed in Volume 4 of Maps, at Page 10, Stanislaus County Records; thence South 88 degrees 31'21" East, along the North line of Lots 6, 7, 9, and 11 of said Nash Tract, a distance of 3,482.91 feet to the beginning of a curve concave to the Northwest, having a radius of 5000.00 feet, and from which point a radial line bears North 3 degrees 46' 02" West; thence Northeasterly 394.03 feet along said curve through a central angle of 4 degrees 30' 55" to the beginning of a curve concave to the Southeast, having a radius of 5000.00 feet; thence Northeasterly 820.38 feet along said curve through a central angle of 9 degrees 24' 03"; thence South 88 degrees 52' 54" East, a distance of 797.97 feet to a point on the East line of the above mentioned Section 6, with said point lying on the center line of a county road known as Tully Road; thence North 1 degree 15'20" West, along said centerline and said section line, a distance of 17.01 feet to the Westerly prolongation of the North line of Parcel 1, as shown on the map filed on January 29, 1985, in Book 36 of Parcel Maps, at Page 21, Stanislaus County Records; thence South 88 degrees 52'54" East, along last said line and along the North line of Parcels 1 and 2 of aforesaid parcel map and the Easterly prolongation thereof, a distance of 2,604.35 feet to the intersection with the Westerly right-of-way line of Union Pacific Railroad; thence South 1 degree 19'04" East along said Westerly right-of-way line of Union Pacific Railroad right-of-way, a distance of 457.29 feet to the intersection with the Southeasterly right-of-way line of Modesto Irrigation District Lateral No. 6; thence in a Southwesterly direction along said Southeasterly right-of-way line of Modesto Irrigation District Lateral No. 6 and the existing city limits line, the following twelve (12) courses; 1) thence South 68 degrees 19'55" West, 732.55 feet to the beginning of a curve, concave to the Southeast, having a radius of 242.90 feet; 2) thence 81.93 feet along the arc of said curve through a central angle of 19 degrees 19'35"; 3) thence south 49 degrees 00'20" West, 654.01 feet; 4) thence South 49 degrees 32'46" West, 208.15 feet; 5) thence South 40 degrees 27'14" East, 5.00 feet to the beginning of a curve, concave to the Northwest, having a radius of 367.90 feet from which a radial line bears South 40 degrees 27'14" East; 6) thence 175.40 feet along the arc of said curve

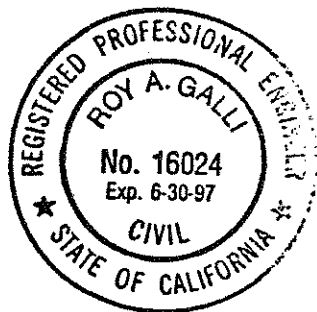
December 19, 1995

Legal Description - Pelandale Annexation

Page 2

through a central angle of 27 degrees 19'00"; 7) thence South 76 degrees 51'46" West, 550.72 feet to the beginning of a curve concave to the North and having a radius of 367.90 feet; 8) thence 96.32 feet along the arc of said curve through a central angle of 15 degrees 00' 01"; 9) thence North 88 degrees 08'13" West, 395.19 feet; 10) thence North 88 degrees 36' 03" West, 844.31 feet; 11) thence North 0 degrees 29'50" West, 18.53 feet; 12) thence North 88 degrees 36'20" West, 2,000.88 feet to a point on the East right-of-way line of Carver Road; thence North 0 degrees 48'09" West, along said East right-of-way line of Carver Road and the existing city limits line, a distance of 108.06 feet to a point on the South line of said Section 6; thence North 88 degrees 36'20" West, along said South line of Section 6, and the centerline of Snyder Avenue and the existing city limits line, a distance of 2,657.37 feet to the Southwest corner of said Section 6; thence South 89 degrees 07'00" West along the South line of said Section 1 and the existing city limits line, a distance of 5,305.58 feet to the Southwest corner of said Section 1 and the centerline of Dale Road; thence North 0 degrees 19'30" West, along the West line of said Section 1 and the centerline of Dale Road, a distance 1,324.72 feet to the POINT OF BEGINNING.

Containing 408.11 acres, more or less.



MID-VALLEY ENGINEERING, INC.

Roy A. Galli

Roy A. Galli - R.C.E. 16024

License Expires 6/30/97

Date 12/22/95

BASIS OF BEARINGS:

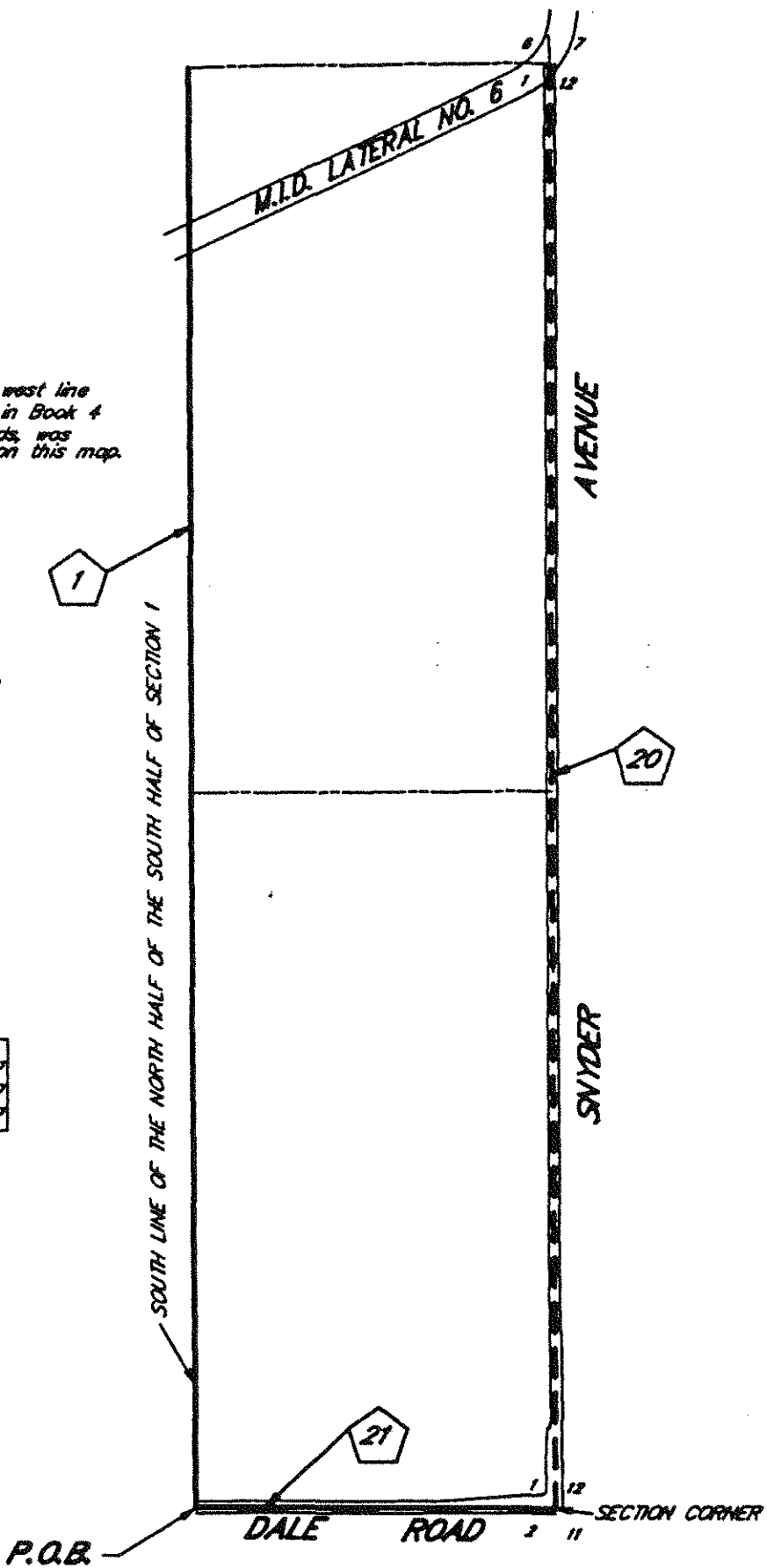
The bearing of $N.00^{\circ} 50' 20'' W.$, along the west line of Section 6, as shown on the map filed in Book 4 of MAPS, Pg 10, Stanislaus County Records, was used for the basis of all bearings shown on this map.

--- Existing City Limits Line

SCALE: 1" = 600'

LINE TABLE

LINE	DIRECTION	DISTANCE
1	N 89°07'16" E	5293.70'
20	S 89°07'00" W	5305.59'
21	N 00°19'30" W	1324.72'



P.O. BOX 818, MODESTO, CALIFORNIA 95353

PELANDALE ANNEXATION

408.11 ACRES

----- Existing City Limits Line

SCALE: 1"=600'

LINE TABLE

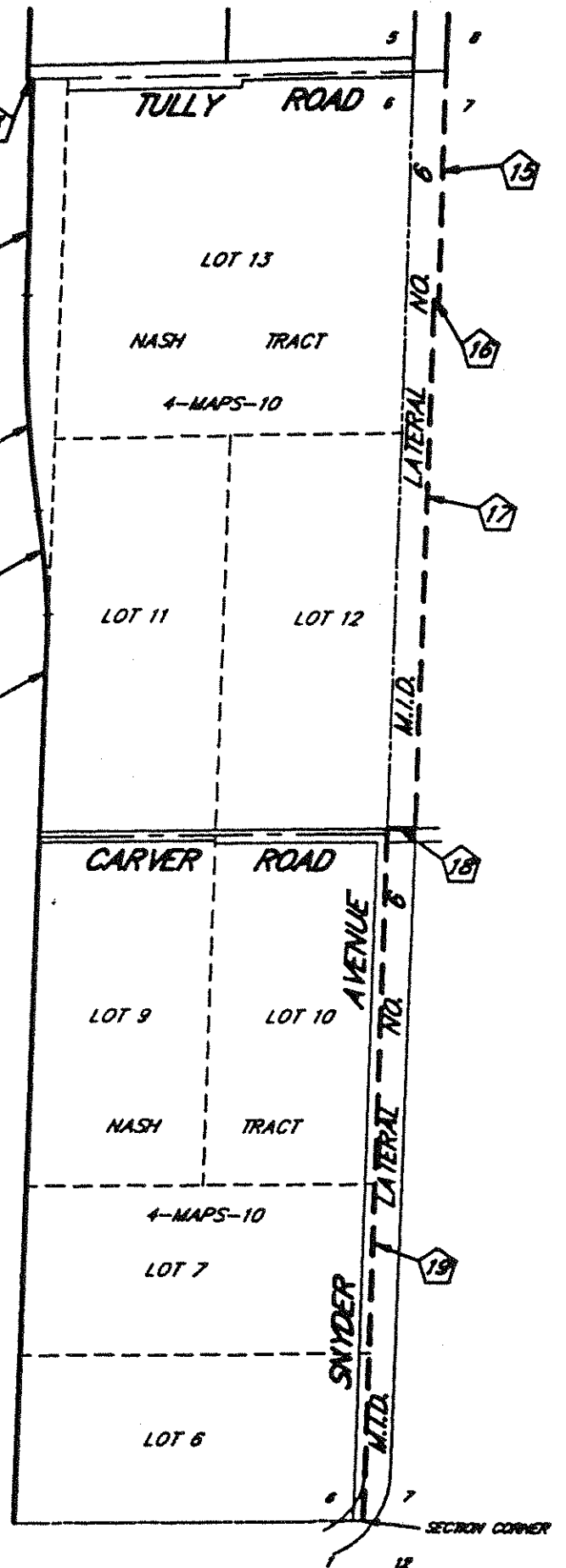
LINE	DIRECTION	DISTANCE
2	S 88°31'21" E	3482.91'
3	N 01°15'20" W	17.01'
15	N 88°36'03" W	844.31'
16	N 00°29'50" W	18.53'
17	N 88°36'20" W	2000.88'
18	N 00°48'09" W	108.06'
19	N 88°36'20" W	2657.37'
24	S 88°52'54" E	797.97'

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	DELTA
22	5000.00'	394.03'	197.12'	393.93'	04°30'55"
23	5000.00'	820.38'	411.11'	819.46'	09°24'03"

BASIS OF BEARINGS:

The bearing of N.00° 50'20" W, along the west line of Section 6, as shown on the map filed in Book 4 of MAPS, Pg 10, Stanislaus County Records, was used for the basis of all bearings shown hereon.



P.O. BOX 858, MODESTO, CALIFORNIA 95353

PELANDALE ANNEXATION

408.11 ACRES

SHEET 2 OF 3 SHEETS

BASIS OF BEARINGS:

The bearing of N.00° 50'20" W, along the west line of Section 6, as shown on the map filed in Book 4 of MAPS, Pg 10, Stanislaus County Records, was used for the basis of all bearings shown on this map.

--- Existing City Limits Line

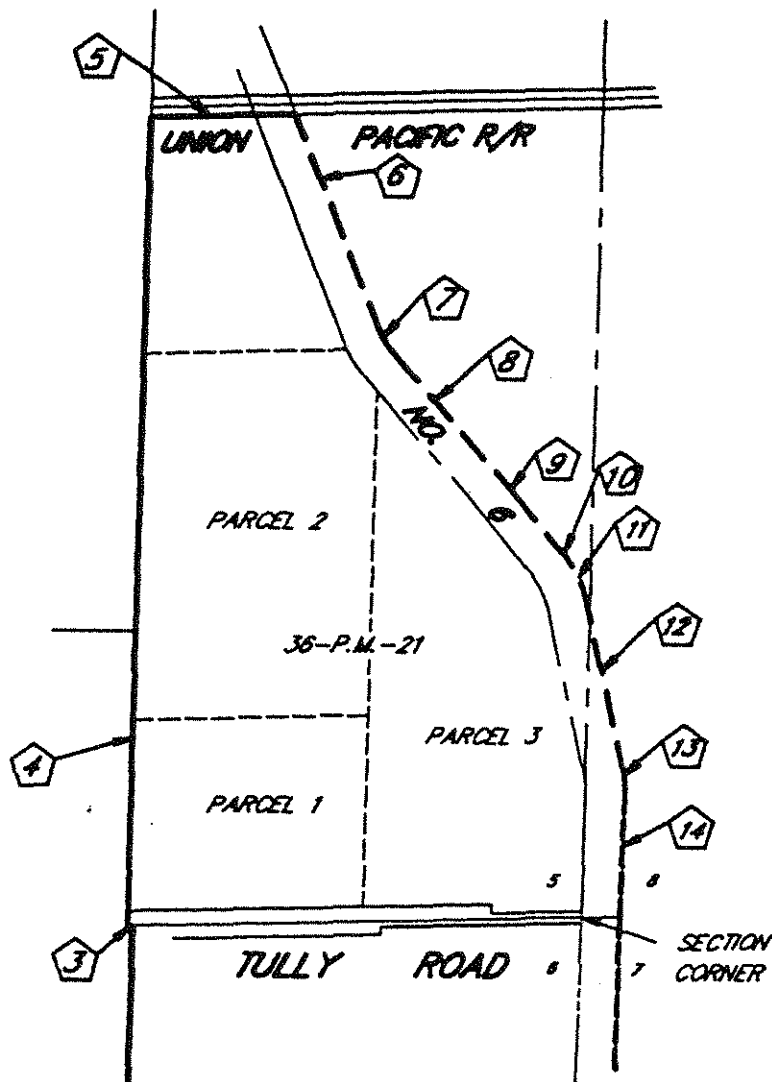
 SCALE: 1"=600'

CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	DELTA
7	242.90'	81.93'	41.36'	81.54'	1979'35"
11	367.90'	175.40'	89.40'	173.75'	2719'00"
13	367.90'	96.32'	48.44'	96.04'	1500'01"

LINE TABLE

LINE	DIRECTION	DISTANCE
3	N 0175'20" W	17.01'
4	S 89'52'54" E	2604.35'
5	S 0179'04" E	457.29'
6	S 68'19'55" W	732.55'
8	S 49'00'20" W	654.01'
9	S 49'32'46" W	208.15'
10	S 40'27'14" E	5.00'
12	S 76'31'46" W	550.72'
14	N 88'08'13" W	385.19'



PELANDALE ANNEXATION

408.11 ACRES



P.O. BOX 818, MODESTO, CALIFORNIA 95363

PLAN FOR PROVIDING SERVICES

Pelandale/Snyder Specific Plan and Reorganization

Pursuant to Section 56653 of the Cortese-Knox Reorganization Act of 1985, listed below are the services that the City of Modesto will be taking over for the aforementioned area.

1. Parking and Traffic - Public Works and Transportation.

As streets are placed, this department will assign traffic control and street name signs.

2. Engineering Services - Public Works and Transportation.

This is for water, sewer, sidewalks, curbs and street lights all built to city standards.

3. Police.

The Police Department will inherit the responsibility of serving this area.

4. Fire.

The Fire Department will inherit the responsibility of serving this area.

5. Parks and Recreation.

No new parks will be required as the existing facilities adequately serve the areas to be annexed. Regular service and additional improvements can be expected in the parks that serve this area.

Police, Fire, and Park and Recreation services will become available immediately upon formal annexation to the City of Modesto. Police and Fire Services will require additional people and facilities over time as the area is built out. These services are principally funded through the City's Capital Facilities Fees system.

Dated: December 12, 1995

MODESTO CITY COUNCIL
RESOLUTION NO. 96-22

A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PELANDALE/SNYDER SPECIFIC PLAN, ADOPTING FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS, ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING PROGRAM.

WHEREAS, the following constitutes various California Environmental Quality Act (CEQA) findings of the City Council of the City of Modesto (the "City Council") with respect to the approval of the Pelandale/Snyder Specific Plan (the "Project"), and

WHEREAS, the Project has been the subject of an Environmental Impact Report prepared by the Planning Center on behalf of the City of Modesto, and

WHEREAS, the Draft Environmental Impact Report was released on August 29, 1995, and public comments were received and responded to as required by 14 California Code of Regulations Section 15088, and

WHEREAS, the Final Environmental Impact Report (the "FEIR") was released on November 3, 1995, and

WHEREAS, on December 4, 1995, the City of Modesto Planning Commission held a duly noticed public hearing to consider the Project, including its recommendation as to the certification of the FEIR, and

WHEREAS, the Planning Commission recommended approval of the Project and certification of the FEIR, as well as

recommending findings of overriding considerations as to two impacts identified in the FEIR, and

WHEREAS, on December 12, 1995, the Modesto City Council held a duly noticed public hearing in which it adopted a resolution certifying the FEIR, approved the Pelandale/Snyder Specific Plan, with the alignment of Pelandale Avenue as shown on Alternative B of page 32 of the FEIR (figure 3), and adopted findings consistent with these approvals, and

WHEREAS, on January 2, 1996, the City Council did not approve of the adoption of the rezoning ordinance for the project and directed City staff to bring the entire project, with the alignment of Pelandale Avenue as shown on page 29 of the FEIR (figure 2), to the City Council on January 16, 1996, and

WHEREAS, on January 16, 1996, the City Council held a duly noticed public hearing in which it adopted a resolution certifying the FEIR, approved the Pelandale/Snyder Specific Plan as originally proposed (with the alignment of Pelandale Avenue as shown on page 29 of the FEIR (figure 2), and adopted findings consistent with these approvals,

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

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings, and
2. Compliance with CEQA. The Final Environmental Impact Report for the Pelandale/Snyder Specific Plan, a copy of which is on file in the office of the City Clerk, was prepared in

compliance with the requirements of the California Environmental Quality Act (CEQA).

3. FEIR Reviewed and Considered. The City Council certifies that the FEIR has been completed in compliance with CEQA; that it has been presented to the Council and that the Council has reviewed and considered the information contained in the FEIR, and all of the information contained therein has substantially influenced all aspects of the decision by the Council. The FEIR is a material part of this resolution.

4. The findings which follow are intended to comply with the requirements 21081 and 14 California Code of Regulations Section 15091:

I. PELANDALE/SNYDER SPECIFIC PLAN ENVIRONMENTAL IMPACTS IDENTIFIED AS SIGNIFICANT IN THE FEIR WHICH ARE AVOIDED OR SUBSTANTIALLY LESSENER OR WHICH ARE DETERMINED NOT TO RESULT IN A SIGNIFICANT ENVIRONMENTAL IMPACT

4.1 Land Use, Consistency With Plans and Policies, and Agriculture.

Impact 4.1-1 The City Council finds, based upon the analysis and evidence in the FEIR, as well as the staff report submitted in connection with the Project, that the Project will not result in land uses which are incompatible with existing and planned adjacent land uses. As a result, no mitigation is required.

Impact 4.1-2 The City Council finds, based upon the analysis and evidence in the FEIR, as well as the staff report submitted in connection with the Project, that the Project

is consistent with the policies of the current adopted Modesto General Plan. As a result, no mitigation is required.

Impact 4.1-3 The Project will result in conversion of approximately 400 acres of prime farm land to non-agricultural uses. This is a significant and unavoidable impact of the Project, which cannot be mitigated to a level of insignificance. As such, a statement of overriding considerations has been adopted with respect to this impact.

Impact 4.1-4 The City Council finds, based on the analysis and evidence in the FEIR (page 41), that the Project will not result in the conversion of other prime farm land not on the Project site to non-agricultural uses. Adjacent land to the north of the Project is currently being planning for development as part of the proposed Kiernan Avenue Business Park, which will go forward whether or not the Pelandale/Snyder Project occurs.

4.2 Population, Employment and Housing.

Impact 4.2-1 The City Council finds that since the need for additional housing as a result of the amount of employment generated by the Project can be met or exceeded by the number of housing units to be constructed in connection with the Project, the impact of the Project upon population and housing needs will not be significant.

Impact 4.2-2 The City Council finds that the Project will provide affordable housing and will be consistent with the housing element of the Modesto General Plan. As such, there will be no significant impact upon housing as a result of the Project, and no mitigation is required.

4.3 Traffic and Circulation.

Impact 4.3-1 The Project will result in a deterioration of the intersection of Standiford Avenue at Tully Road from level of service (LOS) E under existing conditions to LOS F and PM peak hour with the Project.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR to a non-significant level. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measures:

- Provide additional left turn lands on the eastbound, westbound, and southbound approaches to improve the intersection's operation to the LOS D condition.

Impact 4.3-2 The Project will result in a deterioration of one roadway segment - Tully Road (between Kiernan Avenue and Standiford Avenue) deteriorates from LOS E to LOS F conditions with the Project.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR to a non-significant level. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Upgrade Tully Road between Kiernan Avenue and Standiford Avenue to a four-lane urban arterial to improve its operation to LOS A. With the adopted

General Plan, Tully Road will become a six-lane arterial.

Impact 4.3-3 Six of the study intersections will deteriorate to below the City's LOS D standard under year 2025 plus project conditions. The intersections and the project's percentage contribution to cumulative traffic volumes are identified below.

1. Pelandale Avenue @ Dale Road deteriorates from LOS D to LOS E. (Project contribution - 11%).

2. Pelandale Avenue @ Prescott Avenue deteriorates from LOS E to LOS F. (Project contribution - 9%).

3. Pelandale Avenue @ Carver Road deteriorates from LOS E to LOS F. (Project contribution - 14%).

4. Pelandale Avenue @ Tully Road deteriorates from LOS F to a worse LOS F. (Project contribution - 12%).

Increased intersection capacity with expected improvements associated with the adopted General Plan to Tully Road will likely improve intersection operations.

5. Pelandale Avenue @ McHenry deteriorates to a worse LOS F condition. (Project contribution - 6%).

6. Standiford Avenue @ Dale Road deteriorates from LOS D to LOS E. (Project contribution - 7%).

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures

incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Provide additional through lanes on Pelandale Avenue, making it a 6-lane expressway, between Dale Road and McHenry Avenue to improve intersection operations at Dale Road, Prescott Avenue and Carver Road to LOS D or better conditions. Pelandale Avenue @ McHenry Avenue will continue to operate at LOS F and Pelandale Avenue @ Tully Road will continue to operate at LOS E. The adopted General Plan shows Tully Road as a 6-lane arterial and McHenry as an eight-lane arterial near Pelandale Avenue. With these assumed cross-sections, impacts on intersections will be less than significant at Tully Road but the McHenry intersection will still operate at LOS E.
- Widen the intersection of Standiford Avenue @ Dale Road to provide four westbound through lanes, and widen the west side of the intersection to accommodate the additional lane, to improve this intersection's operation to LOS D. Rights of way for potential widening should be reserved in anticipation of this eventual improvement.

Impact 4.3-4 Seven roadway segments would be impacted by the project and would operate below the City's LOS D standard under year 2025 with project conditions - McHenry Avenue between Kiernan Avenue and Pelandale Avenue would deteriorate from LOS F to a worse LOS F. Project's percentage contribution to cumulative traffic volume along this segment is 2%. McHenry Avenue between Pelandale Avenue and Standiford Avenue would deteriorate from LOS F to a worse LOS F. Project's percentage contribution to cumulative traffic volume along this segment is 2%. State Route 99 north of Kiernan Avenue would deteriorate from LOS F to a worse LOS F. Project's percentage contribution to cumulative traffic volumes along this segment is 1%. State

Route 99 between Kiernan Avenue and Pelandale Avenue would deteriorate from LOS F to a worse LOS F. Project's percentage contribution to cumulative traffic volumes along this segment is 1%. State Route 99 south of Standiford would deteriorate from LOS E to LOS F. Project's percentage contribution to cumulative traffic volumes along this segment is 0.4%. Tully Road between Kiernan Avenue and Pelandale Avenue would deteriorate from LOS D to LOS F. Project contributes zero percent to cumulative traffic volume along this segment. The updated General Plan identifies Tully Road as a six-lane arterial, likely resulting in improvement to this segment's operation without uniting traffic signals.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Additional through lanes on McHenry Avenue improving it to an eight-lane arterial between Kiernan Avenue and Standiford Avenue would improve segment operations to LOS D conditions. It should be noted that McHenry is designated as an eight-lane arterial under the updated General Plan.
- Additional through lanes on State Route 99 throughout the study area would improve operations to LOS D or better on all segments.
- If Tully Road were to have a four-lane cross-section as assumed in this analysis, limiting traffic signals on

Tully Road to one signal between Kiernan Avenue and Pelandale Avenue would improve this segment's operation to LOS D conditions. However, the roadway segment of Claribel Avenue between McHenry Avenue and Coffee Road would also operate below the City's LOS D standard. This would not be a significant impact of the project since traffic resulting from the project at this location would be negligible.

Impact 4.3-5 Demand for transit services will increase.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Design all collectors to accommodate transit vehicles.
- Provide bus turnouts as specified in the Specific Plan.

Impact 4.3-6 The City Council finds, based upon the evidence in the FEIR, that the Project will not disrupt current or planned rail service in the Project area. As a result, there are no foreseeable identified impacts upon current or planned rail service, and no mitigation is required.

Impact 4.3-7 The 1983 City of Modesto Bicycle Plan identifies existing bikeways through parts of the Project area. The City of Modesto is currently updating its Bicycle Plan and is proposing to expand the current bicycle network in the

area. Bicycle and pedestrian circulation in the area should reflect future residential developments.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Construct pedestrian/bicycle facilities internal to the project. The Pelandale/Snyder Specific Plan identifies bicycle facilities as follows:

Class I Bike Path:

- Pelandale Avenue
- MID Lateral #6

Class II Bike Lanes:

- Dale Road
- Prescott Road
- Tully Road

- Construct pedestrian/bicycle amenities at major activity centers. Specific locations and quantities should be identified with respect to future developments.

4.4 Noise.

Impact 4.4-1 Exposure to construction noise.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- The following policy shall be added to the Specific Plan:

All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 dBA at any point outside the Specific Plan Area.

Impact 4.4-2 The City Council finds, based upon the noise analysis contained in the FEIR, that noise impacts on surrounding land uses will be well within the normally acceptable standard identified by the State of California for residential land uses. As a result, the identified impact is less than significant, and no mitigation is required.

Impact 4.4-3 The City Council finds that the exposure of project land uses to traffic noise is a less than significant impact, based upon the analysis on pages 107 - 111 of the FEIR. The Pelandale/Snyder Specific Plan, which is consistent with the requirements of the Modesto Building Code, insures that traffic noise will be reduced or mitigated to levels which are less than significant.

4.5 Air Quality.

Impact 4.5-1 The City Council finds that short term construction impacts on air quality will not be significant in view of the project's required compliance with local rules and ordinances, including the requirements of the San Joaquin Valley Unified Air Pollution Control District. The additional dust

control and mobile source emission measures shall be adopted and incorporated into the Project.

Impact 4.5-2 Long-term regional emissions.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- The following measures are focused in reducing both stationary and mobile emissions generated by the project:

Incorporate the following policies into the Specific Plan:

- Introduce efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces and boiler units.
- The use of energy efficient street lighting and on-site lighting in parking and walking areas shall be considered by the developer to reduce emissions at the power plant serving the site.
- Contact transit agencies early in planning stages to assure proper location and design of bus shelters.

Impact 4.5-3 Residential wood burning emissions.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures

incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- To minimize emissions associated with residential wood burning, the following measures shall be applied to all residential dwellings within the project area:
 - All residential dwellings shall utilize the EPS's Phase II certified wood burning stoves and fireplaces, resulting in a 70 to 90 percent reduction of PM₁₀ emissions as compared to a conventional stove.

Impact 4.5-4 Microscale Projections.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- The traffic analysis for the project includes several measures intended to increase the level of service (LOS) of roadways within the project vicinity. Carbon monoxide hot spots are related to idling periods and speed. An increased LOS results in less idling time and faster speeds, in turn, decreasing of carbon monoxide concentration. The following measures can further assist in this effort and should be implemented when feasible.
- Implement signal synchronization, one-way streets, computerized traffic controls, removal of unnecessary signals, and other engineering techniques to decrease idling time and maximize the speed of traffic on congested surface streets. A combination of these measures will be required for effective mitigation.

4.6 Biology.

Impact 4.6-1 The City Council finds that implementation of the Project will not result in impacts to Swainson's hawks. The FEIR contains a biological analysis of the Project site, which determined that there were no nests on site, and only a slight potential for nesting and foraging on site. As such, no mitigation is required.

4.7 Archaeology.

Impact 4.7-1 The Project may potentially result in the destruction of unknown subsurface archaeological resources.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- The following policy shall be added to the Specific Plan:

If cultural resources are discovered during project-related activities, all work is to cease in the vicinity of the find and the City of Modesto Planning Department and a qualified archaeological or specialist of the appropriate discipline are to be contacted regarding evaluation of the discovery. If Native American remains are found, the County Coroner and Native American Heritage Commission (Sacramento (916) 653-4082) are to be notified immediately for recommended procedures.

4.8 Public Services.

Impact 4.8-1 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in sewage generation exceeding the capacity of the sewage treatment plant. As such, no mitigation is required.

Impact 4.8-2 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in water demand exceeding the capacity of the water service system. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.8-3 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in the need for additional fire station facilities. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.8-4 The project will result in the need for additional police staff and equipment.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- Additional police services as required will be funded from the City operating budget.

Impact 4.8-5 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in the need for additional parks. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.8-6 The project will result in the need for additional schools.

Finding: Changes or alterations have been incorporated into the Project which avoid or substantially lessen the significant environmental effect as identified within the FEIR to a non-significant level. Mitigation measures incorporated into the Project substantially lessen the identified impact. These mitigation measures are listed below.

Statement of Fact: The impact will be reduced by the following adopted mitigation measure(s):

- It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc.
- The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district(s) and project applicant have resolved school impacts and by what means.

Impact 4.8-7 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not affect the provision of solid waste collection and disposal services. As such, there will be no

significant impact as defined in CEQA, and no mitigation is required.

Impact 4.8-8 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in an increase in the demand for social services. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

4.9 Hydrology and Drainage.

Impact 4.9-1 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in the exceedance of the capacity of storm drainage facilities. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.9-2 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not expose people or property to flood hazard. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.9-3 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in the degradation of groundwater. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.9-4 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in the degradation of surface water.

As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

Impact 4.9-5 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in reduction in groundwater recharge. This is considered a benefit of the Project, and no mitigation is required.

4.10 Growth Inducing Impacts.

Impact 4.10-1 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not induce additional growth. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

4.11 Geology/Soils.

Impact 4.11-1 The City Council finds, based upon the analysis and evidence in the FEIR and the staff report, that the Project will not result in exposure of people or property on the project site to geologic hazards. As such, there will be no significant impact as defined in CEQA, and no mitigation is required.

II. INFEASIBILITY OF PROJECT ALTERNATIVES

The Final EIR identifies and evaluates two alternatives to the proposed Project. The two alternatives analyzed are the No Project alternative and Alternative B. These alternatives are described in Chapter 3, and are evaluated in Chapter 5 of the FEIR. The City Council rejects each of these alternatives as follows.

1. No Project Alternative.

Finding: Specific economic, social, or other considerations identified below make infeasible the adoption of this project alternative.

Statement of Facts:

- The No Project alternative would not meet any of the Project applicant's objectives.
- The No Project alternative would result in the loss to the City of Modesto of the benefits of the Project, including but not limited to the following:
 - Implementation of the Project allows for the completion of 3 of the City's 73 neighborhood planning areas. These neighborhood planning areas are known as the McKinney Colony, Aqueduct, and Northwest McHenry neighborhood planning areas. The Pelandale/Snyder Specific Plan implements provisions of the Modesto General Plan by providing for the orderly development of these "remnant neighborhoods" consistent with the General Plan's Neighborhood Zoning and Development Plan Prototype policy.
 - The Modesto General Plan is also implemented as a result of the Project in that residential land uses within the plan have been distributed in a manner consistent with the General Plan's Neighborhood Zoning and Development Plan Prototype policy.
 - The Project is also beneficial to the City of Modesto in that it is consistent with the goals and objectives of the housing element of the General Plan. The plan includes an affordable housing program which addresses important housing element goals as set forth on page 1-6 of the Specific Plan.
 - The plan provides for the logical extension of the City's hierarchy of arterial and collector streets, including the Pelandale Expressway, into the Project area. A Class 1 bikeway will be provided along the MID Canal as specified in the Modesto Bicycle Plan.

- The plan provides for the installation of public facilities and utilities to meet General Plan service requirements.
- Implementation of the Project will allow for the installation of the planned Pelandale Expressway, which will provide a vital link between Highway 108 and State Route 99.

2. Alternative B.

Finding: Specific economic, social, or other considerations identified below make infeasible the adoption of this project alternative.

Statement of Facts:

- While implementation of Alternative B would result in different land uses for portions of the Project site, Alternative B is not environmentally superior, and is in fact environmentally inferior, to the preferred alternative. As set forth in the FEIR, Alternative B would provide substantially more single-family residential dwellings, but substantially less multi-family residential dwellings than the preferred alternative. As a result, the amount of affordable housing provided by the project would be substantially reduced if Alternative B were implemented.
- Employment generated on the site would be less under Alternative B as a result of 36 fewer acres zoned for professional office use.
- Under Alternative B, the significant unavoidable impact due to the conversion of prime farm land to urban uses would be greater, as the Project site would be larger by approximately 46.5 acres.
- Alternative B would result in a greater demand for public services than the preferred alternative, as well as a greater demand on storm drainage facilities due to the larger size of the Project site.
- Alternative B also includes a realignment of the Pelandale Expressway north of its adopted plan line. According to the Modesto Transportation Department, the realigned Pelandale Expressway as set forth in Alternative B will result in an increase in off the road accidents, reduced site distance to and from intersecting streets at driveways, higher construction cost for the facility and associated utilities, and

higher maintenance cost than the street alignment featured in the preferred alternative. Finally, the increased residential and commercial uses resulting from Alternative B would generate more trips than the office uses set forth in the preferred alternative, which would thus generate more mobile emissions than the preferred Project.

III. STATEMENT OF FINDINGS OF SIGNIFICANT UNAVOIDABLE IMPACTS AND OVERRIDING CONSIDERATIONS.

Based upon the objectives identified in the Pelandale/Snyder Specific Plan and FEIR and through the extensive public participation, the City Council has determined that the Pelandale/Snyder Specific Plan should be approved and that any remaining unmitigated environmental impacts attributable to the Pelandale/Snyder Specific Plan are outweighed by the following specific economic, fiscal, social, environmental, land-use and other overriding considerations.

1. Findings Regarding Significant Unavoidable Impacts.

The Modesto City Council has determined that approval of the Project is appropriate, despite the existence of the following potential impacts identified in the FEIR which cannot be mitigated to insignificance, based on the existence of the expected benefits of the Project:

- The conversion of approximately 408 acres of prime farm land to urban uses.
- The Pelandale Avenue/McHenry Avenue intersection after mitigation will operate at level of service (LOS)E. This is a cumulatively significant impact resulting from the Project and other growth in the area. Full mitigation is both economically and physically infeasible and since the intersection would still be functional (LOS E is still operational), the Planning Commission recommended that the intersection be allowed to operate at level of service E. Although the

intersection is not fully mitigated, it is substantially mitigated by the proposed mitigation. Nonetheless, a statement of overriding considerations has been prepared.

2. Statement of Overriding Considerations.

The Modesto City Council has determined that these environmental effects are outweighed by the following expected benefits of the Project approvals and the Project as a whole:

a. Economic Considerations.

Finding #1:

Substantial evidence is included in the record demonstrating the economic benefits which the City would derive from the implementation of the Modesto Urban Area General Plan. Historically, in the past two decades, it is well documented in numerous reports that there has been very substantial population growth and economic development throughout the Stanislaus County region.

Substantial Evidence:

"Demographic and Economic Profile of Stanislaus County", prepared by the Stanislaus County Economic Development Corporation, dated 1993.

"Projected Total Population of California Counties: 1990 to 2040, Report 93 P-3", published by the California Department of Finance.

Finding #2:

For the Modesto Urban Area to actively compete for this economic development, range of housing opportunities, job creation and adequate open space areas, it must develop an infrastructure network which will attract new industry to the area. Such an objective can only be accomplished through long range planning. The long range planning included in the Modesto Urban Area General Plan and its supporting documentation is the best method available to enable the City to participate in this economic development and diversification. All these factors will, taken together, help the City realize the very substantial job creation, range of housing

opportunities and economic development potential of the Modesto Urban Area.

Substantial Evidence:

"Recommended Modesto Economic Development Strategy", prepared by Kreines & Kreines. (1992)

"A Strategic Planning Approach for a County in Change." (Stanislaus County's Economic Strategy, prepared by Kreines & Kreines, 1988).

Finding #3:

The ability to provide and maintain additional park and recreational facilities for residents of all ages will also occur with implementation of the policies in the Modesto Urban Area General Plan including regional trails linking urban and open space uses.

Substantial Evidence:

"Modesto Urban Area General Plan": Section V-G, Chapter V.

Finding #4:

The Project will provide for 54.7 acres of Professional Office zoning resulting in employment centers within the Project.

b. Land Use Considerations:

Finding #3:

The Project would facilitate the orderly and logical completion of three north Modesto neighborhoods (McKinney Colony, Aqueduct, and Northwest McHenry) that have been partially completed for many years.

c. Transportation Considerations.

Finding #4:

The Project will provide for a safe and efficient circulation system that accommodates multiple forms of transportation while minimizing land use conflicts.

Finding #5:

The Project will add an essential link to the City of Modesto Circulation System by providing the catalyst for the development of the Pelandale Expressway, a 110 ft. Class B Expressway linking the developed portions of the City of Modesto with Highway 99 via the Pelandale-Claratina east/west connection. The Pelandale Expressway will ease congestion on Modesto's other east/west transportation corridors (Briggsmore Expressway and Sylvan/Standiford Avenues).

d. Housing Considerations.

Finding #6:

The Project would result in the creation of approximately 2,613 new housing units, including single family and multi-family residential densities.

Finding #7:

Provision of Affordable Housing. If additional residential areas are not provided by the Pelandale/Snyder Specific Plan, the following Project Objectives from the General Plan would not be inhibited:

- The Modesto community should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.
- Work to supply housing for the unmet needs of lower income special needs groups, including: the disabled, the elderly, the homeless, and large families with five or more persons).

Finding #8:

The Housing Element, which was approved by the State Department of Housing and Community Development, calls for a commitment for substantial new housing in the Modesto Urban Area.

Substantial Evidence:

"1992 Housing Element to Modesto Urban Area General Plan".

Letter dated April 7, 1995 from the California Department of Housing and Community Development which authorizes incorporation of the 1992 Housing Element into the 1995 General Plan.

Section IV-E in 1995 General Plan.

e. Social and Other Considerations.

Finding #9:

The Project will provide necessary community facilities including development of an existing school site, parks, and related public facilities.

5. Mitigation Monitoring.

Pursuant to Section 21081.6 of the Public Resources Code, the mitigation monitoring program set forth in Exhibit "A", is hereby adopted and incorporated herein by this reference to ensure that all mitigation measures adopted for the Project are fully implemented.

6. Location and Custodian of Documents

The record of project approval shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 - 11th Street, Modesto, CA 95354.

7. Certification.

Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final Environmental Impact Report for Pelandale/Snyder as accurate and adequate. The City Council further certifies that the Final EIR was completed in compliance with CEQA and the State CEQA Guidelines. The Community Development Director is directed to

file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

8. Resolution No. 95-580-A adopted by the Council on December 12, 1995, in connection with the project is hereby repealed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	Dobbs
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

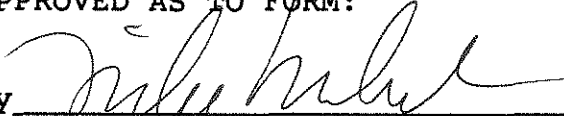
By 
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

MITIGATION MONITORING PROGRAM

1. Purpose of the Monitoring Program

The Mitigation Monitoring Program is prepared in accordance with Section 21081.6 of the Public Resource Code. Its purpose is to provide for the accomplishment of mitigation measures required by the Final Environmental Impact Report (FEIR) for the Pelandale/Snyder Specific Plan.

2. When Implemented

The mitigation measures required for the Pelandale/Snyder Specific Plan will be implemented at various times as development proceeds in accordance with the Specific Plan. For each mitigation measure, the implementation schedule may either be ongoing, or concurrent with development.

3. Monitoring Agency

For each mitigation measure the monitoring agency will be the City of Modesto. The City will be responsible for ensuring that the mitigation measure is properly implemented.

4. Monitoring Schedule

All the mitigation measures will be monitored periodically to ensure that implementation is successful. Monitoring will occur, at a minimum, during individual development project processing.

5. Format of Mitigation Monitoring Program

The following format is established for the mitigation monitoring program, in order to comply with the requirements of Section 21081.6 of the Public Resources Code.

a. Method of Project Implementation

The City of Modesto intends to adopt all sixteen of the attached mitigation measures into the Pelandale/Snyder Specific Plan as policy statements. This approach will comply with Section 21081.6(2)(b), which states:

"A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures, or in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation or project design." (emphasis added)

- b. State Law requires the Mitigation monitoring Program to be "designed to ensure compliance during project implementation." This mitigation measure supports the state law requirement in the following manner:

In order to ensure compliance of a subsequent project with the Mitigation Measure, the measure itself must be carefully written. It is important to describe the means by which the mitigation measure relates to current practices, or established methods of review.

- c. This measure is fully enforceable through permit conditions, agreements, or other measures, as follows:

The City intends to adopt the subject mitigation measure as Policy Statement in the Pelandale/Snyder Specific Plan. This approach will comply with Public Resources Code Section 21081.6(2)(b).

MITIGATION MEASURES

1. Provide additional left-turn lanes on the eastbound, westbound, and southbound approaches to improve the intersection's operation to LOS D conditions.
2. Upgrade Tully Road between Kiernan Avenue and Standiford Avenue to a four-lane urban arterial to improve its operation to LOS A. With the adopted General Plan, Tully Road will become a six-lane arterial.
3. Provide addition through lanes on Pelandale Avenue making it a 6-lane expressway, between Dale Road and McHenry Avenue to improve intersection operations at Dale Road, Prescott Avenue, and Carver Road to LOS D or better conditions. Pelandale Avenue @ Tully Road will continue to operate at LOS E. The adopted General Plan shows Tully Road as a 6-lane arterial near Pelandale Avenue. With this further improvement, intersection operations will likely be less than significant. Pelandale Avenue @ McHenry Avenue will continue to operate at LOS F. However, the Final General Plan shows McHenry Avenue as an eight lane arterial with this configuration, and a six lane Pelandale Avenue, the intersection would operate at LOS E conditions.
4. Widen the intersection of Standiford Avenue @ Dale Road to provide four westbound through lanes, and widen the west side of the intersection to accommodate the additional lane, to improve this intersection's operation to a LOS D. Rights of way for potential widening should be reserved in anticipation of this eventual improvement.
5. Additional through lanes on McHenry Avenue, improving it to an eight lane arterial between Kiernan Avenue and Standiford Avenue, would improve segment operations to LOS D conditions. It should be noted the McHenry Avenue is designated as an eight-lane arterial under the updated General Plan.
6. Additional through lanes on State Route 99 throughout the study area would improve operations to LOS D or better on all segments.

7. If Tully Road were to have a four-lane cross-section as assumed in this analysis, limiting traffic signals on Tully Road to one signal between Kiernan Avenue and Pelandale Avenue would improve this segment's operation to LOS D conditions. However, the roadway segment of Claribel Avenue between McHenry Avenue and Coffee Road would also operate below the City's LOS D standard. This would not be a significant impact of the project since traffic resulting from the project at this location would be negligible.
8. Design all collectors to accommodate transit vehicles. Provide bus turnouts as specified in the Specific Plan.
9. Construct pedestrian/bicycle facilities internal to the project. The Pelandale/Snyder Specific Plan identifies bicycle facilities as follows:

Class 1 Bike Paths - Pelandale Avenue and MID Lateral #6
Class 2 Bike Lanes - Dale Road, Prescott Road, Tully Road

Construct pedestrian/bicycle amenities at major activity centers. Specific locations and quantities should be identified with respect to future developments.

10. The following policy shall be added to the Specific Plan:

All construction contracts shall require construction equipment, fixed and mobile, to be equipped with properly operating and maintained mufflers and that no single piece of equipment shall produce a noise level exceeding 85 DBA at any point outside the Specific Plan Area.

11. The following measures are focused in reducing both stationary and mobile emissions generated by the project:

Incorporate the following policies into the Specific Plan:

Introduce efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces and boiler units.

The use of energy efficient street lighting and on-site lighting in parking and walking areas shall be considered by the developer to reduce emissions at the power plant serving the site.

Contact transit agencies early in planning stages to assure proper location and design of bus shelters.

12. To minimize emissions associated with residential wood burning, the following policy shall be incorporated into the Specific Plan:

All residential dwellings shall utilize the EPA's Phase II certified wood burning stoves and fireplaces, resulting in a 70 to 90 percent reduction of PM 10 emissions as compared to conventional stove.

13. Implement signal synchronization, one way streets, computerized traffic controls, removal of unnecessary signals and other engineering

techniques to decrease idling time and maximize the speed of traffic on congested surface streets. A combination of these measures will be required for effective mitigation.

14. The following policy shall be added to the Specific Plan:

If cultural resources are discovered during project-related activities, all work is to cease in the vicinity of the find and the City of Modesto Planning Department and a qualified archaeologist or specialist of the appropriate discipline are to be contacted regarding evaluation of the discovery. If Native American remains are found, the County Coroner and the Native American Heritage Commission (Sacramento 916-653-4082) are to be notified immediately for recommended procedures.

15. Additional police services as required will be funded from the City operating budget.

16. It shall be the responsibility of the project applicant and the school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following:

Fees, land dedication, special taxes, etc.

The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school districts and project applicant have resolved school impacts and by what means.

A letter from Mid-Valley Engineering acting on behalf of the applicant, dated December 4, 1995 stated "All development will be required to participate in the financing mechanism in place at the issuance of building permits as specified by the respective district." Thus, this mitigation measure is self-satisfying at time of development.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-23

A RESOLUTION ACCEPTING THE BID OF BARHAM CONSTRUCTION FOR MELLIS PARK
RENOVATION

WHEREAS, the bids received for Mellis Park Renovation were opened at 2:00 p.m. on November 21, 1995, 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 Barham 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 Barham 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 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 96-24**

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL CAPITAL IMPROVEMENT PROGRAM BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR AN EXISTING PROJECT ENTITLED MELLIS PARK RENOVATION.

WHEREAS, this project will replace the existing restroom structure with a handicapped accessible facility provide lighting and electrical outlets in the existing shade structure, provide additional security lighting throughout the park, and add handicapped accessible play equipment to the play apparatus area. The project is currently partially funded with a Community Development Block Grant administered by the U.S. Department of Housing and Urban, it is also partially funded with Parks fund money.

WHEREAS, the bids received for this project came in high, however, staff recommends fully funding the original project scope with the following funding sources:

\$26,000	Block Grant Funds
\$19,000	Fund 140 Parks fund Contingency Reserve
\$ 7,900	General Fund Contingency Reserve

WHEREAS, this resolution appropriates these funds into two of the three existing projects:

\$26,000	113-310-D409 Mellis Park Renovation-Partial
\$26,900	140-310-E905 Mellis Park Renovation-Partial

The following adjustments are necessary:

General Fund 010

Fund/Agy/Org		Increase (Decrease)
Expenditures		
010-700-7000-9140	Transfer out to Fund 140	\$7,900
010-800-8000-8003	Contingency Reserve	(\$7,900)

Community Development Block Grant Fund

Fund/Agy/Org		Increase (Decrease)
Expenditures		
113-310-D409-6040	Mellis Park Renovation-Partial	\$26,000
113-800-8000-8003	Contingency Reserve	(\$26,000)

Parks Fund 140

Fund/Agy/Org		Increase (Decrease)
Expenditures		
140-310-E905-6040	Mellis Park Renovation	\$26,900
140-800-8000-8003	Contingency Reserve	(\$19,000)
Revenues		
140-700-7000-9010	Transfer in from General Fund	7,900

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 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan,
McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-25

A RESOLUTION ACCEPTING THE BID OF MITCHELL'S MODESTO HARLEY DAVIDSON AS LOW BIDDER AND AWARING BID FOR FIVE NEW POLICE MOTORCYCLES

WHEREAS, the bids received for the purchase of five new police motorcycles were opened at 2:00 p.m. on November 28, 1996, and later tabulated by the Finance Director for the consideration of the Council; and,

WHEREAS, the Finance Director has recommended that the bid of Mitchell's Modesto Harley Davidson in the amount of \$63,989.40 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mitchell's Modesto Harley Davidson 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 January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-26

A RESOLUTION APPROVING A FUND TRANSFER AGREEMENT WITH THE STATE TO PROVIDE FUNDING FOR PRELIMINARY ENGINEERING AND ENVIRONMENTAL DOCUMENTATION FOR THE NEW AMTRAK STATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the fund transfer agreement with the State of California to provide \$107,000 in funding to provide preliminary engineering and environmental documentation for the new Amtrak Station be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said funding transfer 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 January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey,
Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-27

A RESOLUTION APPROVING A COMMON USE AGREEMENT WITH THE MODESTO IRRIGATION DISTRICT TO ALLOW CITY TO POUR A CONCRETE PAD ON MID PROPERTY BEHIND THE CITY SIDEWALK ON THE EAST SIDE OF PRESCOTT AVENUE NORTH OF MT. VERNON DRIVE FOR PLACEMENT OF A BUS SHELTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the common use agreement with the Modesto Irrigation District to allow City to pour a concrete pad on MID property behind the City sidewalk on the east side of Prescott Avenue north of Mt. Vernon Drive for placement of a bus shelter be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-28

A RESOLUTION APPROVING AN AGREEMENT WITH MEYERS MOHADDES & ASSOCIATES FOR THE DESIGN OF MODESTO CLOSED CIRCUIT TELEVISION (CCTV)/CERES ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement with Meyers Mohaddes & Associates for the design of Modesto Closed Circuit Television (CCTH)/Ceres Advanced Traffic Management System (ATMS) project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 96-29**

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL CAPITAL IMPROVEMENT PROGRAM BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR A NEW CAPITAL IMPROVEMENT PROJECT ENTITLED CERES ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) PROJECT.

WHEREAS, the Modesto CCTV/Ceres ATMS Project is a joint project between the City of Modesto and the City of Ceres. Through this project, the City of Ceres will obtain an ATMS similar to the one currently being installed in the city of Modesto. The Ceres ATMS and the closed circuit television cameras will also be integrated into Modesto's ATMS. The Modesto ATMS is currently under implementation in Modesto.

WHEREAS, the City of Ceres also obtained a CMAQ grant of \$660,000 (includes a Ceres match of \$75,702 to implement an Advanced Traffic Management system in Ceres.

WHEREAS, the City of Ceres has entered into an agreement with the City of Modesto to have the City manage the entire project. Currently the City of Modesto is ready to enter into an agreement with Meyer Mohaddes & Associated et. all for the design of Modesto CCTV/Ceres ATMS project.

WHEREAS, the Ceres portion of the project now needs to be budgeted. The total cost of the design phase of the Ceres ATMS is \$88,710. Federal revenue for the Ceres share is to be estimated at \$78,535, and the Ceres match of \$10,175 also needs to be estimated.

The following adjustments are necessary:

Gas Tax Fund 070		Increase (Decrease)
Fund/Agy/Org		
Expenditures		
070-160-F970-6010	Ceres ATMS Design	\$88,710
Revenues		
070-510-9510-3504	Federal Share of project	\$78,535
070-510-9510-3760	Other Cities Contribution	10,175

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 January, 1996, by Councilmember Friedman, who moved its 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, McClanahan,
McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-30

A RESOLUTION APPROVING AN AGREEMENT WITH PETERSON CONSULTING INC. FOR CONSULTATION AND LOBBYING SERVICES FOR MATTERS RELATING TO THE WASTE-TO-ENERGY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement with Peterson Consulting Inc., for consultation and lobbying services for matters relating to the waste-to-energy project be, and is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

C. Clark

MODESTO CITY COUNCIL
RESOLUTION 96-31

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO APPROPRIATE FUNDS TO PROVIDE TWO VEHICLES NEEDED AS A RESULT OF THE DEL ESTE ACQUISITION .

WHEREAS, on June 27, 1995, the Council approved the FY 95-96 operating and capital budget that would go into effect at the conclusion of the Del Este Water Co. Acquisition on July 7, 1995. Omitted by mistake from this budget were two vehicles, which were justified based on the staffing authorized in the overall operating budget.

WHEREAS, the proposed action would create funding for a backhoe set (\$106,000) and an electrician's truck (\$40,000)..

WHEREAS, Del Este never possessed a backhoe set which resulted using inefficient hand tool digging equipment for leak repairs, new service taps and various other repairs. The aged condition of the Del Este system and the steady demand for new connections warrants the addition of a backhoe set in the Water Division.

WHEREAS, Del Este contracted out all electrical repairs. The labor effectiveness studied before the acquisition indicated it would be more cost-effective to have a full time electrician on staff for the Del Este service areas. An electrician's truck is needed for transport to the various DEW well sites.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses		Increase (Decrease)
615-480-5051-0235	MID Service Areas/Operation	(\$40,000)
616-480-5061-0235	Non MID Service Areas/Operation	(\$106,000)
720-480-5814-5285	Electrician's Truck	\$40,000
720-480-5814-5286	Backhoe	\$106,000
Interfund Transfer:		
Expenses:		
From: 615-700-7000-7720		\$40,000
From: 616-700-7000-7720		\$106,000
To: 720-700-7000-9615		\$40,000
720-700-7000-9616		\$106,000

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 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, 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

Just

MODESTO CITY COUNCIL
RESOLUTION NO. 96-32

A RESOLUTION ACCEPTING A GRANT OFFER FROM THE STATE DEPARTMENT OF PARKS AND RECREATION FOR FUNDING FROM THE FEDERAL LAND AND WATER CONSERVATION FUND FOR THE DEVELOPMENT OF A HIKING/BICYCLE TRAIL IN THE TUOLUMNE RIVER REGIONAL PARK (TRRP).

WHEREAS, City staff has been notified that a grant application approved by the Council on November 22, 1994, by Resolution No. 94-672, has been approved and signed by the State of California Department of Parks and Recreation, for funding from the Federal Land and Water Conservation Fund for the development of a hiking/bicycle train in the Tuolumne River Regional Park, and

WHEREAS, the project proposes to develop approximately two miles of trails through the park from just east of Tioga Drive to just south of the south-eastern corner of the airport, and

WHEREAS, total project costs are \$182,930, with a minimum fifty percent match required, as set forth in the report to the Council from the Parks and Recreation Department dated January 8, 1996, a copy of which is on file in the office of the City Clerk, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer from the State of California Department of Parks and Recreation for \$90,001 in funding from the Federal Land and Water Conservation

Fund for the development of approximately two miles of a hiking/bicycle trail in the Tuolumne River Regional Park.

BE IT FURTHER RESOLVED that the execution of the grant acceptance by the City's designated official, J. Edward Tewes, City Manager, be and it is hereby authorized.

BE IT FURTHER RESOLVED that the City Manager is also authorized to execute and submit amendments, payment requests and other documents which may be necessary in relation to this grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-33

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL CIP BUDGET TO ESTIMATE AND APPROPRIATE FUNDS OF \$182,930 IN NEW REVENUE AND EXPENDITURES FOR CONSTRUCTION OF A TRAIL AT TUOLUMNE RIVER REGIONAL PARK.

WHEREAS, City staff has been notified that a grant application has been approved and signed by the State Department of Parks and Recreation for \$90,001 in funding for the development of approximately two miles of hiking/bicycle trail in the Tuolumne River Regional Park (TRRP) under the Federal Land and Water Conservation Fund, and

WHEREAS, total project costs are \$182,930, with a minimum fifty percent match required. The balance of \$92,929 will be funded by the City of Ceres (\$5,947) or approximately 6%, Stanislaus County (\$47,487) or approximately 51% and the City of Modesto (\$39,495) or approximately 43%, and

WHEREAS, the City of Modesto's share will come from Local Transportation Funds, Non-motorized. The City has already appropriated \$29,334 of its share for the preparation of working drawings. Therefore, an increase of \$10,161 will be needed to complete the City's contribution. In addition, in order to facilitate accounting for and auditing of capital projects, this project needs to be set up in the TRRP Agency Fund, offset by the Federal, City, County and Ceres revenue contributions, and

WHEREAS, the following adjustments are necessary:

GRANT REVENUE

Fund/Agy/Org Revenues		Increase (Decrease)
890-510-9510-3138	State Grant-Parks and Recreation	\$90,001
890-510-9510-3701	City of Ceres	\$5,947
890-510-9510-3701	Stanislaus County	\$47,487
890-510-9510-3701	City of Modesto	\$39,495

GRANT EXPENSE

Fund/Agy/Org Expenditures		Increase (Decrease)
890-310-F971-6010	TRRP-Trail-Eng/Desisng/Admin/ Construction	\$182,930
052-310-E627-6010	TRRP-Trail (City Match)	\$10,161
052-800-8000-8003	TRRP Reserve	(\$10,161)

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 January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers:

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-34

A RESOLUTION APPROVING A SEPARATION AGREEMENT WITH INTERNATIONAL FRIENDSHIP COMMITTEE AND INSTITUTION OF MODESTO SISTER CITIES INTERNATIONAL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the separation agreement with International Friendship Committee and Institution of Modesto Sister Cities International be, and is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

J. G. ...

**MODESTO CITY COUNCIL
RESOLUTION 96-35**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO APPROPRIATE FUNDS OF \$24,600 FROM THE GENERAL FUND CONTINGENCY RESERVE FOR THE DISSOLUTION OF THE INTERNATIONAL FRIENDSHIP COMMITTEE .

WHEREAS, this resolution recognizes an agreement to separate the International Friendship Committee from the City of Modesto.

WHEREAS, the International Friendship committee has developed into a non-profit corporation known as Modesto Sister Cities International (MSCI) , which is separate and distinct from the City. MSCI will continue to develop, sponsor and implement the City's Sister City activities and present City Council with recommendations for new sister cities.

WHEREAS, The City will provide MSCI funding in the amount of \$31,600 on an annual basis (\$26,000 for pre-existing sister cities and \$5,600 for newly approved sister city of Aguascalientes, Mexico). This amount is subject to annual review and adjustment based on any change in the number of sister cities participating in the program and approval by the City Council as part of its annual budget adoption process.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses		Increase (Decrease)
010-360-3621-1050	International Friendship Committee	\$24,600
010-800-8000-8003	General Fund Contingency Reserve	(\$24,600)

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 January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _____
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-36

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:

Custodian Supervisor

The revised specifications for the classification of Custodian Supervisor (Range 423), 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 3. EFFECTIVE DATE. This resolution shall

become effective on and after January 16, 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers:

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CUSTODIAN SUPERVISOR

DEFINITION

To plan, organize, supervise and participate in the City's custodial operations; and to perform a variety of both technical maintenance and limited landscape maintenance tasks.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct supervision over assigned custodial and maintenance staff.

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

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for providing custodial services; implement policies and procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in providing custodial services; review and distribute requests for service from departments and divisions.

Prepare operating budget including the preparation of cost estimates for budget recommendations and the submission of justifications for budget items.

Participate in the selection of staff; provide or coordinate staff training; work with employees to correct deficiencies and initiate disciplinary actions as necessary.

Develop and implement maintenance management plans for buildings and other facilities including complete floor and carpet care.

Respond to emergency requests for service.

Supervise crews in asbestos maintenance response tasks.

Inspect areas to ensure work standards are met and maintenance problems are corrected.

Perform minor building maintenance functions including patching, painting, and minor repairs of doors, locks and carpets.

Maintain time, material and equipment use records; test and evaluate custodial supplies; requisition supplies and materials; and distribute supplies and equipment to staff.

Oversee and inspect the work of assigned custodial staff; ensure custodial work is accomplished in a timely and appropriate manner.

Regulate ventilation and temperature.

Monitor contractual services.

Compile information and prepare reports.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods and practices used in custodial services, minor building maintenance activities and minor landscape maintenance activities.

Tools, equipment and supplies used in providing comprehensive custodial services, minor landscape maintenance services, and minor building maintenance services.

Principles and practices used in the supervision and training of personnel.

Safe work practices including the precautions used in the maintenance of asbestos.

Ability to:

Supervise and direct the City's centralized custodial service programs and activities.

Monitor the work activities of assigned custodial staff.

Provide financial information and estimates related to custodial services.

Occasionally lift and carry heavy objects weighing up to 75 pounds.

Communicate clearly and concisely, both orally and in writing.

Supervise, train and evaluate the performance of assigned staff.

Establish and maintain cooperative working relationships with

those contacted in the course of work.

Experience and Training Guidelines

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

Experience:

Four years of increasingly responsible experience performing journey level custodial duties including one year of supervisory or lead responsibility.

Training:

Equivalent to completion of the twelfth grade preferably supplemented by specialized training related to the supervision of personnel.

License or Certificate

Possession of or the ability to obtain a valid California driver's license.

Clerk

MODESTO CITY COUNCIL
RESOLUTION 96-35

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO APPROPRIATE FUNDS OF \$24,600 FROM THE GENERAL FUND CONTINGENCY RESERVE FOR THE DISSOLUTION OF THE INTERNATIONAL FRIENDSHIP COMMITTEE .

WHEREAS, this resolution recognizes an agreement to separate the International Friendship Committee from the City of Modesto.

WHEREAS, the International Friendship committee has developed into a non-profit corporation known as Modesto Sister Cities International (MSCI) , which is separate and distinct from the City. MSCI will continue to develop, sponsor and implement the City's Sister City activities and present City Council with recommendations for new sister cities.

WHEREAS, The City will provide MSCI funding in the amount of \$31,600 on an annual basis (\$26,000 for pre-existing sister cities and \$5,600 for newly approved sister city of Aguascalientes, Mexico). This amount is subject to annual review and adjustment based on any change in the number of sister cities participating in the program and approval by the City Council as part of its annual budget adoption process.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses		Increase (Decrease)
010-360-3621-1050	International Friendship Committee	\$24,600
010-800-8000-8003	General Fund Contingency Reserve	(\$24,600)

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 January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-37

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 95-310, TO AMEND THE CLASS
RANGE TABLE FOR CUSTODIAN SUPERVISOR.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-310.

Exhibit "A" entitled "City of Modesto Class Range Table
Management and Confidential Non-Sworn Classes Effective June 27,
1995, attached to Resolution No. 95-310, is hereby amended as
shown on the amended Exhibit "A" entitled, "City of Modesto Class
Range Table Management And Confidential Non-Sworn Classes
Effective January 16, 1996", which is attached hereto and made a
part hereof as though set forth in full herein. Said amended
Exhibit "A" revises class specifications for Custodian Supervisor
at Range 423.

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after January 16, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers:

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 January 16, 1996

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	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Systems Analyst
Custodian Supervisor

424 Assistant Planner
Asst. City Clerk/Auditor

425 Administrative Analyst I
Executive Assistant
Legal Services Supervisor

426 Stores Manager
Museum Supervisor

427 Events Supervisor

428 Parks Maintenance Supervisor I
Airport Maintenance Supervisor
Trees Maintenance Supervisor I
Equipment Maintenance Supervisor I
Social Services Coordinator
Buyer
Accountant II
Budget Analyst
Public Works Supervisor I
Building Maintenance Supervisor
Customer Services Specialist

429

430 Associate Planner
Parks Construction Supervisor I
Junior Civil Engineer
Junior Traffic Engineer
Neighborhood Preservation Supervisor

431 Administrative Analyst II
Affirmative Action Officer
Personnel Analyst
Training Coordinator
Assistant Risk Manager
Recycling Program Coordinator
Senior Budget Analyst

432 Plant Mechanic Supervisor
Recreation Supervisor II
Historical Buildings Supervisor
Senior Accountant
Youth Program Supervisor
Industrial Waste Supervisor

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

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

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

441 Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Superintendent
Parks Operations Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Fleet Manager
Urban Forestry Superintendent
Wastewater Collections Superintendent
Water Superintendent
Building Maintenance Superintendent
Police Records Manager
Fire Marshal
Golf Services Manager

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

443 Deputy Chief Bldg. Official

444 General Services Manager
Water Quality Control Supt.
Principal Planner

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

446 Senior Civil Engineer
Traffic Engineer

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

448 Sr. Deputy City Attorney II

449

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

450 Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation

451

452 Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-38

A RESOLUTION APPROVING AN AGREEMENT WITH UNITED PARCEL SERVICE (UPS) TO CONDUCT COURIER SERVICES AND LOCATE A SMALL PARCEL DROP BOX AT THE AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement with United Parcel Service (UPS) to conduct courier services and locate a small parcel drop box at the Airport be, and is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 96-39

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO APPROPRIATE FUNDS FROM THE GENERAL FUND CONTINGENCY RESERVE TO CAPITAL IMPROVEMENT PROJECT - McCLATCHY SQUARE, TO FUND ADDITIONAL CONTRIBUTION TO CONSTRUCTION .

WHEREAS, in conjunction with the I Street Renaissance Group, the property donated to the City by the McClatchy family, on the corner of 15th and I Streets, was developed into a park with a rose garden, named McClatchy Square

WHEREAS, in August, 1994 the original contribution in the amount of \$20,000 was made. The amount was increased by \$11,000 to cover one third of the cost of an \$18,000 statue by Betty Saletta and additional unanticipated expenses. Total contribution, \$31,000.

WHEREAS, in January, 1995, the contribution amount was increased by \$9,000 for a total contribution of \$40,000.

WHEREAS, if this item is approved by Council, the total amount of the City's contribution toward the McClatchy Square project will be \$46,443.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses		Increase (Decrease)
010-800-8000-8003	General Fund Reserve	(\$6,443)
908-020-E599-6040	Capital Improvement-McClatchy Square	\$6,443
 Interfund Transfer:		
From: 010-700-7000-7908		(\$6,443)
To: 908-700-7000-9010		\$6,443

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 January, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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. 96-40

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING TO CONSIDER AMENDMENTS TO THE MODESTO MUNICIPAL CODE RELATING TO THE BUILDING, MECHANICAL, AND PLUMBING CODES, THE CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, HOUSING CODE/LAND, NATIONAL ELECTRICAL CODE AND FIRE CODE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that February 6, 1996, at 7:00 p.m., in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for a hearing to consider amendments to the Modesto Municipal Code relating to the Building, Mechanical, and Plumbing Codes, the Code for the Abatement of Dangerous Buildings, Housing Code/Land, National Electrical Code and Fire Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, which upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-41

A RESOLUTION ACCEPTING THE WATERLINE OVERLAYS PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the waterline overlays project, has been completed by George Reed, Inc., in accordance with the contract agreement dated October 3, 1995.

NOW, THEREFORE, BE IT RESOLVED that the waterline overlays 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 \$129,057.50 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 23rd day of January, 1996, by Councilmember Freidman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-42

A RESOLUTION ACCEPTING THE AIRPORT WAY EXTENSION PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Airport Way extension project, has been completed by George Reed, Inc., in accordance with the contract agreement dated May 9, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Airport Way extension 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 \$79,805.28 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 23rd day of January, 1996, by Councilmember Freidman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-42A

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF \$10,600.00
TO FULLY FUND THE AIRPORT WAY EXTENSION PROJECT

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

FROM: General Aviation Apron Slurry Seal (632 480 E948 6000)	\$10,600
TO: Airport Way Resurface and Extension (632 480 E947 6000)	\$10,600

Additional funding is required to cover additional costs for materials testing to meet FAA requirements, additional costs for staff to design a down-scoped project to meet the construction budget and for additional materials used on the job beyond that which was estimated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-43

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF AN ELECTRONIC DOCUMENT IMAGING SYSTEM FOR THE POLICE DEPARTMENT AND RELATED INSTALLATION, MAINTENANCE, LICENSING AND TRAINING

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

SECTION 1. The specifications for the purchase of one electronic document imaging system and related installation, maintenance, licensing and training for the Police Department, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 26, 1996, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-44

A RESOLUTION SUPPORTING THE RETENTION OF THE
FOURTH SAN JOAQUIN AMTRAK TRAIN.

WHEREAS, Amtrak service on the San Joaquin Corridor currently provides four trains per day in each direction, and

WHEREAS, after an initial increase in ridership and revenues, with the initial implementation of the fourth train, ridership for a number of reasons, has decreased significantly in the last couple of years, however, the fourth train of the San Joaquin corridor enhances transportation options for families, business people, tourists, and students, and maintaining the fourth train is vital in dealing with the valley's expanding population and transportation needs, and

WHEREAS, the fourth train also lessens the number of people on the highways, and, thus, reduces congestion and air quality problems for our valley, although, inconvenient scheduling and poor on-time records have hurt ridership, and

WHEREAS, Caltrans has just begun implementing a new strategic business plan that will increase the farebox return, and, Caltrans' use of the state-of-the-art California Car on the San Joaquin corridor will increase ridership, and

WHEREAS, California has made a commitment to improve the San Joaquin rail corridor in order to enhance both the valley's and the state's economy, and

WHEREAS, the San Joaquin valley continues to support

intercity rail service as a viable alternative to other modes of transportation in order to meet the transportation needs of tomorrow,

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

1) The Council hereby urges the California Transportation Commission to approve the operation of the fourth train beyond its present six months authorization, and

2) The Council hereby directs that copies of this resolution be sent to the California Transportation Commission, the State Department of Transportation, Amtrak West and the cities of Riverbank and Turlock.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-45

A RESOLUTION APPROVING A LOAN AGREEMENT WITH JACK AND CYL UGAR, DOING BUSINESS AS DIRECT MAYTAG HOME APPLIANCE CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Jack and Cyl Ugar, doing business as Direct Maytag Home Appliance Center for a Community Development Block Grant Small Business Loan in the amount of \$30,000, 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 January, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 96-46

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO ESTIMATE \$700 IN REVENUE AND APPROPRIATE FUNDS TOWARD THE COST OF IMPLEMENTATION OF AN ADAPTIVE SPORTS PROGRAM FOR POPULATIONS WITH SPECIAL NEEDS.

WHEREAS, the Central California Rehabilitation Hospital offered to contribute one hundred dollars per month toward the cost of implementation of an adaptive sports program for populations with special needs.

WHEREAS, the City's Parks and Recreation Department, Leisure Services Division, already offers a program for special populations and the Central California Rehabilitation Hospital's contribution will allow expansion of the program to accommodate their patients.

WHEREAS, the program will operate on a quarterly basis.

WHEREAS, the City will provide the facility, athletic equipment and one staff member, one time per week for three hours. The Central California Rehabilitation Hospital began making contributions in December, 1995 and the budget amendment covers the remaining months of Fiscal Year 1996.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Revenue		Increase (Decrease)
010-370-3712-4074	Revenue	\$700
Fund/Agy/Org Expenses		Increase (Decrease)
010-370-3712-0140	Salaries - Part-time	\$700

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 23rd day of January, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

11

MODESTO CITY COUNCIL
RESOLUTION NO. 96-47

A RESOLUTION APPROVING SUBMISSION OF A
REVISED ANNUAL TRANSPORTATION DEVELOPMENT ACT
FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION
OF GOVERNMENTS (SAAG), TO INCLUDE A
SUPPLEMENTAL APPORTIONMENT.

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

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

WHEREAS, on June 6, 1995, the City of Modesto submitted its annual claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development Act Funds, and

WHEREAS, SAAG has informed the City of Modesto of an additional \$214,760 of Local Transportation funding, of which \$80,916 is designated for non-motorized projects, and the remaining supplemental apportionment of \$133, 844 will be used by Bus Service Fund to off-set reductions in the Federal Transit Operating Grant and State Transit Assistance Funds, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to

execute said revised supplemental Transportation Development Act claim on behalf of the City of Modesto, and that submission of the City of Modesto's revised Claim to the Stanislaus Area Association of Governments (SAAG) for fiscal year 1995-96 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

Clark

**MODESTO CITY COUNCIL
RESOLUTION 96-48**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE THE SUPPLEMENTAL APPORTIONMENT OF LOCAL TRANSPORTATION FUNDS, AND TO ADJUST THE TRANSIT FUND REVENUES BASED ON UPDATED FEDERAL AND STATE APPORTIONMENTS ESTIMATED IN THE REVISED ANNUAL TRANSPORTATION CLAIM.

WHEREAS, on June 6, 1995, the City submitted its annual claim to the Stanislaus Area Association of Governments (SAAG) for apportionment of Transportation Development Act Funds.

WHEREAS, SAAG has informed the City of an additional \$214,760 of Local Transportation funding, of which \$80,916 is designated for non-motorized projects. The remaining supplemental apportionment of \$133,844 will be used by the Bus Service Fund to off-set adjustments in the Federal Transit operating grant and State Transit Assistance Funds.

The following adjustments are necessary:

Public Transit Fund 651-Fixed Route

Fund/Agy/Org		Increase (Decrease)
Expenditures		
651-510-9510-3158	Local Transportation Funds	\$53,679
651-510-9510-3161	STAF Transit Grant	\$11,234
651-510-9510-3301	County Transit Allocation	(\$32,437)
651-510-9510-3525	FTA Operating Grant	(\$129,117)
651-800-8000-8003	Contingency Reserve	(\$96,641)

Public Transit Fund 652-DAR

Fund/Agy/Org		Increase (Decrease)
Expenditures		
652-510-9510-3158	Local Transportation Funds	(\$71,165)
652-510-9510-3301	County Transit Allocation	(\$1,361)
652-510-9510-3525	FTA Operating Grant	(\$27,474)
652-800-8000-8003	Contingency Reserve	(\$100,000)

Local Transportation Fund non-motorized 052

Fund/Agy/Org		Increase (Decrease)
Expenditures		
052-510-9510-1216	Local Transportation Funds non-motorized	\$80,916
052-800-8000-8003	Contingency Reserve	\$80,916

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 23rd day of January, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-49

A RESOLUTION APPROVING A FINANCING AGREEMENTS WITH GERALD NELSON, 2512 WHITCOMB WAY, FOR \$4,896 AND WITH ANNIE FRANKLIN, 438 OAK STREET, FOR \$66,668 FOR THE PURPOSE OF REHABILITATING PROPERTIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreements between the City of Modesto and Gerald Nelson for \$4,896, and Annie Franklin, for \$66,668 for Community Development Block Grant Housing Rehabilitation Loans, be and they are hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Link

MODESTO CITY COUNCIL
RESOLUTION NO. 96-50

A RESOLUTION AUTHORIZING THE CITY PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO EXECUTE A GROUNDWATER DISCHARGE PERMIT FOR THE FMC-MODESTO GROUNDWATER CLEANUP SITE AND FOR SUBSEQUENT PERMITS AS APPROPRIATE.

WHEREAS, FMC has applied for a groundwater discharge permit under the City's Industrial Pretreatment Permit Program, required by its NPDES Permit #CA 79-103, and

WHEREAS, the FMC site cleanup is a complex situation involving a significant piece of industrial property, located at 1600 Graphics Drive within the Redevelopment Area, and the cleanup process is expected to take 10 years, and

WHEREAS, in developing the proposed permits provision, the City has the duty to ensure that the discharge does not upset or pass through the treatment process, in accordance with 40 CFR PA403, and the City must protect the public health, the environment, and the other sewer rate payers, and

WHEREAS, the proposed permit will establish the conditions and protocols under which FMC will discharge its groundwater cleanup effluent to the City's wastewater system, in compliance with applicable Federal, State and City of Modesto laws and regulations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that once the City's outstanding application review expenses are reimbursed by FMC, the Public Works and Transportation Director is hereby authorized to execute and issue

a Groundwater Discharge Permit for the FMC Groundwater Cleanup Site and for subsequent permits as appropriate, as long as the discharge meets all applicable requirements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1996, 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: Dobbs, Fisher, Friedman,
McClanahan, McKinsey, Serpa, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-51

A RESOLUTION APPOINTING JUDITH KENYON TO THE COMMUNITY QUALITIES FORUM

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

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

SECTION 1. Judith Kenyon is hereby appointed to the Community Qualities Forum to fill the unexpired term of Juanita Jackson. Ms. Kenyon's term will expire 12/31/97.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Community Qualities Forum and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1996, by Councilmember Friedman, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-52

A RESOLUTION ESTABLISHING ADULT ENTERTAINMENT
BUSINESS FEES TO PAY FOR THE REQUIRED
REGISTRATION AND INVESTIGATION OF ADULT
ENTERTAINMENT BUSINESSES, ADULT ENTERTAINMENT
PERFORMERS, ESCORTS, AND FIGURE MODELS.

WHEREAS, Chapter 9 of Title V of the Modesto Municipal
Code regulates Adult Related Establishments to protect the
health, safety, and welfare of the public and of patrons of such
establishments, and

WHEREAS, Section 5-9.201 of the Modesto Municipal code
provides that certain filing fees relating to adult related
establishments shall be established by resolution adopted by the
City Council from time to time, and

WHEREAS, in an effort to control and manage adult
entertainment-related businesses in the City of Modesto, City
staff is recommending that these businesses, owners and employees
register with the Police Department for background
investigations, and the cost of the background investigations and
registrations has been determined by a time and motion study, a
copy of which study is on file in the office of the City Clerk,
and

WHEREAS, in October, 1995, said fees proposal was
considered by the Human Services/Public Safety Committee which
endorsed the fees as recommended by City staff, and

WHEREAS, said fees proposal 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 6, 1996, at 7:00 p.m., at which time and place said hearing was held,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby establishes adult entertainment business fees to pay for the required registration and investigation of adult entertainment businesses, adult entertainment performers, escorts, and figure models, as follows:

SECTION 1. An Adult Entertainment Business Regulatory Permit fee to maintain, operate, or conduct an adult entertainment business, as provided for in Section 5-9.201(a) of the Modesto Municipal Code, is hereby established in the amount of \$325.00. Said fee is nonrefundable.

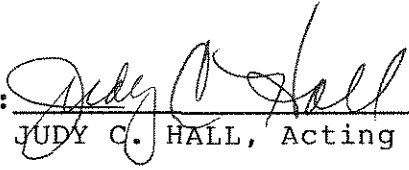
SECTION 2. An Adult Entertainment Business Performer Permit fee to engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an adult entertainment business, as provided for in Section 5-9.206 of the Modesto Municipal Code, is hereby established in the amount of \$220.00. Said fee is nonrefundable.

SECTION 3. An Escort or Figure Model Permit fee, as provided for in Section 5-9.211 of the Modesto Municipal Code, is hereby established in the amount of \$220.00. Said fee is nonrefundable.

BE IT FURTHER RESOLVED that said fees will not be applicable for one year; however, the required registration will take effect upon adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, 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. 96-53

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY, INC., FOR THE
BEARD BROOK PARK BALLFIELD LIGHTING

WHEREAS, the bids received for Beard Brook Park Ballfield Lighting were opened at 2:00 p.m. on January 16, 1996, 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 Collins Electrical Company Inc. in the amount of \$124,396 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1996, 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-54

A RESOLUTION ACCEPTING THE BIDS OF FULLER FORD, HERITAGE FORD, COUNTRY FORD TRUCKS AND H.V. CARTER CO., INC. FOR FURNISHING FIVE NEW CAB AND CHASSIS WITH MISCELLANEOUS BODIES, NINE NEW UTILITY VEHICLES, AND TWO FLAIL MOWERS

WHEREAS, Resolution No. 95-516, adopted by the Council of the City of Modesto on November 7, 1995 approved the specifications for furnishing five new cab and chassis with miscellaneous bodies; Resolution No. 95-518, adopted by the Council of the City of Modesto on November 7, 1995, approved the specifications for furnishing two flail mowers; and Resolution No. 95-519, adopted by the Council of the City of Modesto on November 7, 1995, approved the specifications for the purchase of utility vehicles; and

WHEREAS, the bids received for furnishing new cab and chassis, were opened at 11:05 a.m. on November 28, 1995; the bids received for furnishing two flail mowers were opened at 11:05 a.m. November 29, 1995; the bids received for furnishing utility vehicles were opened at 11:00 a.m. on November 27, 1995, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bids of Fuller Ford, Heritage Ford, Country Ford Trucks, and H.V. Carter Co., Inc. for a combined total amount of \$649,606.589 be accepted.

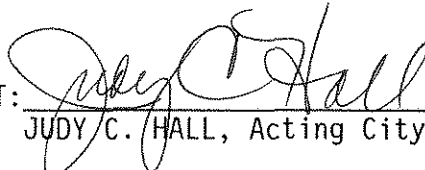
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Fuller Ford, Heritage Ford, Country Ford Trucks, and H.V. Carter Co., Inc., be accepted and the preparation of formal purchase orders by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February 6, 1996, 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, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-55

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$10,801.55 TO FULLY FUND THE PURCHASE OF FIVE NEW CAB AND CHASSIS, NINE NEW UTILITY VEHICLES, AND TWO FLAIL MOWERS

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

720-480-5814-5413 increase by \$1,957.90 from 720-480-5814-5432
720-480-5814-5414 increase by \$1,957.90 from 720-480-5814-5433
720-480-5814-5403 increase by \$ 681.05 from 720-480-5814-5446
720-480-5814-5404 increase by \$ 681.05 from 720-480-5814-5446
720-480-5814-5405 increase by \$ 681.05 from 720-480-5814-5446
720-480-5814-5980 increase by \$4,842.60 from 720-480-5814-5436

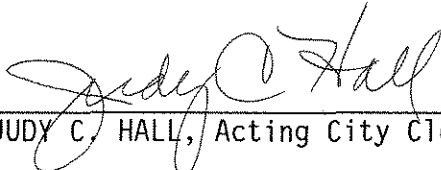
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-56

A RESOLUTION ADOPTING A CITY COUNCIL POLICY
ALLOWING SMOKING DURING PRIVATE FUNCTIONS AT
THE MODESTO CENTRE PLAZA.

WHEREAS, on June 1, 1993, Smoking Pollution Ordinance No. 2842-C.S. became operative, adding Sections 5-8.101 through 5-8.901 to the Modesto Municipal Code, and

WHEREAS, Section 5-8.301 of the Modesto Municipal Code specifies numerous enclosed public places in which smoking shall be prohibited, however, Section 5-8.501 of the Modesto Municipal code provides exceptions in which smoking shall not be subject to the smoking restrictions, and

WHEREAS, Administrative Directive No. 1.11 prohibits smoking in all City facilities unless a specific exemption is granted by the City Manager, which includes the Modesto Centre Plaza, and

WHEREAS, City staff has suggested that a policy which allows smoking at private functions which are held at the Modesto Centre Plaza be approved, as long as they comply with all State and local laws, and

WHEREAS, City staff has suggested that said policy would attract an additional market and would result in increased revenue, and

WHEREAS, the Human Services Committee met on January 18, 1996, and supported a year and a half trial period for the proposed policy, and

WHEREAS, on February 6, 1996, the City council considered said matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby adopt a Policy entitled "MODESTO CENTRE PLAZA SMOKING POLICY", a copy of which 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 6th day of February, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	Dobbs
ABSENT:	Councilmembers:	None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

MODESTO CENTRE PLAZA SMOKING POLICY

Although the various rooms in the Modesto Centre Plaza may initially be deemed to be public places in which smoking is prohibited, the exemptions of Section 5-8.501 of the Modesto Municipal Code would apply when such rooms are used for private functions, as follows:

1. A meeting or other function where smoking is allowed must be a private function. A private function is one that is not open to the general public, regardless of the presence or absence of an admission fee; nor is the event to be advertised in any of the mass media. Those in attendance should be members of a group, business, profession or organization, or the specific invitees of a group, business, profession or organization.
2. Any such group, business, profession or organization would be required to reserve the entire facility when smoking will be allowed at a function, as a nonsmoking function shall not be allowed to be held in the facility at the same time.
3. Employees of the Modesto Centre Plaza would be free to choose whether or not they wish to work an event where smoking will be allowed.
4. Food and beverage service shall not be allowed in areas where smoking is permitted in the facility.
5. Should smoking result in damage to the facility, the event sponsor shall be responsible for the cost of repair of any such damage.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-57

A RESOLUTION ACCEPTING THE TRANSFER OF THE
BRET HARTE NEIGHBORHOOD SANITARY SEWER
CONVEYANCE SYSTEM FROM THE STANISLAUS COUNTY
REDEVELOPMENT AGENCY TO THE CITY OF MODESTO.

WHEREAS, on July 20, 1993, the City Council approved an
Interagency Agreement with the Stanislaus County Redevelopment
Agency for the installation of sanitary sewer collection
facilities in the Bret Harte Neighborhood, and

WHEREAS, the Bret Harte Neighborhood is generally
bounded by Crows Landing Road, Whitmore Avenue, Hatch Road, TID
Lateral No. 1 and Yuma Avenue, and

WHEREAS, said Interagency Agreement stipulates that
after acceptance of the construction project by the County
Redevelopment Agency, the facilities will be transferred to the
City of Modesto, and

WHEREAS, on June 28, 1994, the City Council approved
the annexation of the Bret Harte Neighborhood into the Modesto
Municipal Sewer District, and

WHEREAS, on December 12, 1995, the County Public Works
Department filed a Notice of Completion with the County Recorder,
indicating the construction of the sewer collection facilities
had been completed, and

WHEREAS, on January 23, 1996, the County Redevelopment
Agency adopted a resolution acknowledging that construction on
the project was complete, and the Agency approved a Certificate

of Warranty to the City which indicates their accepting responsibility for repairs to the collection system as a result of faulty workmanship or materials for a period of one year from the date of the Notice of Completion,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all of the conditions of the Interagency Agreement have now been met and it is appropriate for the City of Modesto to accept transfer of the Bret Harte Neighborhood sanitary sewer conveyance system from the Stanislaus County Redevelopment Agency to the City of Modesto.

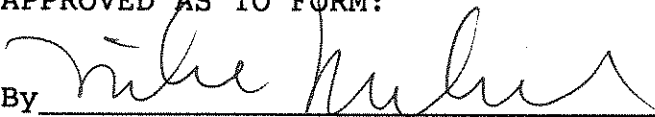
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, 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. 96-58

A RESOLUTION AUTHORIZING PREPAYMENT OF \$23,631.66 MODESTO IRRIGATION DISTRICT FOR RELOCATING POLES AND RAISING WIRE HEIGHTS RELATED TO IMPROVEMENTS AT YOSEMITE/GARNER INTERSECTION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the prepayment of \$23,631.66 to Modesto Irrigation District for relocating poles and raising wire heights related to improvements at Yosemite/Garner intersection be, and it is hereby approved.

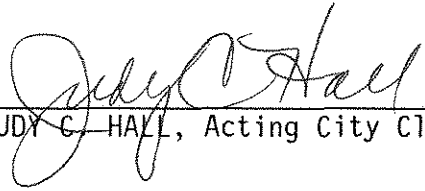
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-59

A RESOLUTION APPOINTING AND/OR REAPPOINTING MEMBERS OF THE REDEVELOPMENT ADVISORY COMMISSION, AND APPOINTING A MEMBER OF THE PLANNING COMMISSION AS A REPRESENTATIVE TO THE REDEVELOPMENT ADVISORY COMMISSION

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

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

SECTION 1. James Daniels is hereby appointed as a member of the Redevelopment Advisory Commission, term expiration of January 1, 2000; Norma Reed and John Sanders are hereby reappointed as members of the Redevelopment Advisory Commission, term expiration of January 1, 2000; Planning Commission Member Betty Ustach is hereby appointed as a representative to the Redevelopment Advisory Commission, term expiration of January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the Planning Commission and Redevelopment Advisory 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 6th day of February, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-60

A RESOLUTION COMMENDING MODESTO POLICE OFFICER RICK DODGE AND NAMING HIM THE 1995 RECIPIENT OF THE GERALD L. MC KINSEY ACHIEVEMENT AWARD FOR HIS LAW ENFORCEMENT PROFESSIONALISM AND HIS MOST DEDICATED CONTRIBUTIONS TO THE SAFETY AND SECURITY OF THE MODESTO COMMUNITY.

WHEREAS, Modesto Police Officer Rick Dodge began his law enforcement career in 1974, and he has displayed exemplary dedication to the Modesto Police Department and to law enforcement for over twenty years, and

WHEREAS, during the course of his career, Officer Rick Dodge has worked in the assignments of Hit and Run Traffic Investigation, District Attorney Liaison, Auto Theft and Warrants, and

WHEREAS, most recently, he has been involved in a successful Homeless Problem Oriented Policing Project on Yosemite Boulevard, and

WHEREAS, Officer Rick Dodge has great compassion when dealing with people who are less fortunate, understanding the problems in today's society while applying the law fairly and appropriately, and

WHEREAS, on February 22, 1994, Officer Rick Dodge exercised his great compassion for people when he successfully convinced a suicidal man to lay his gun down, saving the man's life and defusing a dangerous situation, and

WHEREAS, Officer Rick Dodge continues to take pride in

each and every police call for service that he answers, and he is a very hard-working, caring police officer, the type that sergeants desire to have on their squad and the type that the citizens of Modesto desire to have on their police force,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Modesto Police Officer Rick Dodge is hereby named the 1995 Recipient of the Gerald L. McKinsey Achievement Award for law enforcement professionalism, dedication, and consistent contributions to the safety and security of the Modesto community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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. 96-61

A RESOLUTION ACCEPTING THE PROJECT TITLED CONSTRUCTION OF STREET LIGHTING ON SCENIC DRIVE BETWEEN ROSE AVENUE AND OAKDALE ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Construction of Street Lighting on Scenic Drive between Rose Avenue and Oakdale Road, has been completed by Collins Electrical Company Inc., in accordance with the contract agreement dated July 25, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Construction of Street Lighting on Scenic Drive between Rose Avenue and Oakdale Road be accepted from said contractor, Collins Electrical Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$31,689.00 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 13th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 96-62

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO
FOR THE SECOND QUARTER OF FISCAL YEAR 1995-96.

WHEREAS, after 2nd quarter financial analysis has been completed,
it has been determined that certain adjustments are required to the Annual
Budget of the City of Modesto for the Fiscal Year 95-96.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the changes listed in "Schedule A" be made to the Annual
Budget of the City of Modesto for Fiscal Year 95-96.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

Schedule A

FD	AGY	ORGN	RSRC	OBJT/ APPR UNIT	CURRENT BUDGET	REVISED BUDGET	ADJUSTING AMOUNT
Appropriations							
010	010	0101	0401	01D Membership & Dues	28,270	31,270	3,000
010	050	0502	0238	05B Elections	150,000	235,000	85,000
010	140	1401	9990	14F Service Credits	(98,413)	(117,130)	(18,717)
010	300	3001	0415	30D Other Liability Insurance	5,395	11,045	5,650
010	370	3712	5294	37E Celebration of Lights	0	3,500	3,500
010	700	7000	7130	01G Transfer Out to Special Fund for Capital Outlays	135,645	235,645	100,000
010	800	8000	8003	01H Contingency Reserve	2,420,935	4,022,681	1,601,746
080	140	1433	0202	81B Mail Svcs - Inside	0	5,506	5,506
080	140	1433	0205	81B Printing & Binding	0	9,440	9,440
080	800	8000	8003	80H Contingency Reserve	123,679	108,733	(14,946)
113	140	1452	0235	22B Services, Professional & Other	15,000	35,000	20,000
113	140	1454	0496	22D CDBG-Direct Loans	326,375	431,375	105,000
113	140	1455	0497	22D Direct Loans	100,000	91,870	(8,130)
113	140	1456	0218	22B Equipment Pool Rental	12,942	13,717	775
113	140	1456	0255	22B Services City Forces	79,624	98,341	18,717
113	140	1456	0309	22C Tool Bank Supplies	7,500	12,500	5,000
113	140	1456	0318	22C TA Cleanup	15,000	25,000	10,000
113	140	1457	0208	22B Business Expense	0	1,000	1,000
113	140	1457	0235	22B Services, Professional & Other	0	11,966	11,966
113	140	1457	0255	22B Services City Forces	40,000	27,034	(12,966)
113	140	1457	0497	22D Direct Loans	126,000	114,000	(12,000)
113	700	7000	7010	22G Transfer Out to General Fund	222,304	323,365	101,061
113	800	8000	8003	22H Contingency Reserve	61,059	10,500	(50,559)
115	140	1466	0497	Direct Loans	353,038	398,528	45,490
115	800	8000	8003	Contingency Reserve	84,141	0	(84,141)
116	800	8000	8003	Contingency Reserve	92,880	0	(92,880)
610	800	8000	8003	61H Contingency Reserve	5,908,642	6,024,530	115,888
621	480	5213	0223	62B Repair & Mtc Outside	193,518	221,518	28,000
621	480	5214	0210	62B Utilities	979,529	1,059,529	80,000
621	480	5214	0312	62C Chemical & Lab Supplies	131,249	207,249	76,000
621	480	5217	0235	62B Services, Professional & Other	88,200	123,200	35,000
621	800	8000	8003	62H Contingency Reserve	7,082,632	7,016,515	(66,117)
628	800	8000	8003	68H Contingency Reserve	1,034,227	1,070,942	36,715
631	800	8000	8003	63H Contingency Reserve	(12,548)	0	12,548
651	160	1672	5295	65E Van	0	50,000	50,000
651	160	1672	5308	65E Computer & Printer	16,100	26,100	10,000
651	800	8000	8003	65H Contingency Reserve	1,542,386	1,567,740	25,354
660	330	3311	0110	33A Salary & Wages, Regular	19,137	51,261	32,124
660	330	3311	0111	33A Vacation	762	414	(348)
660	330	3311	0112	33A Sick Leave	177	385	208
660	330	3311	0114	33A Holiday, Regular	2,346	551	(1,795)
660	330	3311	0116	33A M & C Leave	1,524	0	(1,524)
660	330	3311	0140	33A Parttime	10,510	10,391	(119)
660	330	3311	0150	33A Life Insurance	393	85	(308)
660	330	3311	0151	33A Health Insurance	2,944	558	(2,386)
660	330	3311	0152	33A Dental Insurance	844	184	(660)
660	330	3311	0153	33A Vision Insurance	242	48	(194)
660	330	3311	0154	33A Disability Insurance	783	79	(704)
660	330	3311	0155	33A Medicare	1,036	419	(617)
660	330	3311	0160	33A PERS	8,960	1,906	(7,054)

Schedule A

FD	AGY	OBJT/ APPR		UNIT		CURRENT	REVISED	ADJUSTING
		ORGN	RSRC			BUDGET	BUDGET	AMOUNT
660	330	3311	0161	33A	Deferred Compensation	1,003	477	(526)
660	330	3311	0162	33A	Workers' Compensation	578	433	(145)
660	330	3311	0163	33A	Physicals	537	0	(537)
660	330	3311	0164	33A	Unemployment	30	209	179
660	330	3311	0166	33A	Employee Assistance	30	22	(8)
660	330	3311	0167	33A	Employee Benefits-Admin	132	5,140	5,008
660	330	3311	0168	33A	Employee Leave Reimb	638	478	(160)
660	330	3311	0202	33B	Mail Svcs - Inside	100	1,700	1,600
660	330	3311	0204	33B	Copier Charges - Inside	0	235	235
660	330	3311	0205	33B	Printing & Binding	8,525	1,465	(7,060)
660	330	3311	0206	33B	Marketing Svcs	21,000	2,840	(18,160)
660	330	3311	0208	33B	Business Expense	400	10,902	10,502
660	330	3311	0216	33B	Equipment Rental	0	30	30
660	330	3311	0218	33B	Equipment Pool Rental	1,139	4,155	3,016
660	330	3311	0235	33B	Services, Professional & Other	1,700	6,958	5,258
660	330	3311	0245	33B	Delivery Svcs	0	20	20
660	330	3311	0301	33C	Office Supplies	0	250	250
660	330	3311	0308	33C	Tool, Shop. & Field Supplies	680	1,534	854
660	330	3311	0415	33D	Other Liability Insurance	5,870	5,868	(2)
660	330	3312	0110	33A	Salary & Wages, Regular	54,434	38,842	(15,592)
660	330	3312	0111	33A	Vacation	4,214	5,545	1,331
660	330	3312	0112	33A	Sick Leave	5,870	865	(5,005)
660	330	3312	0113	33A	Comp Time Off	1,851	253	(1,598)
660	330	3312	0114	33A	Holiday, Regular	3,247	2,283	(964)
660	330	3312	0119	33A	Bereavement Leave	0	354	354
660	330	3312	0121	33A	Workers' Comp Non Tax	56	0	(56)
660	330	3312	0130	33A	Salary & Wages, Overtime	4,167	1,734	(2,433)
660	330	3312	0140	33A	Parttime	8,530	4,755	(3,775)
660	330	3312	0150	33A	Life Insurance	165	87	(78)
660	330	3312	0151	33A	Health Insurance	8,919	4,419	(4,500)
660	330	3312	0152	33A	Dental Insurance	2,531	1,425	(1,106)
660	330	3312	0153	33A	Vision Insurance	314	332	18
660	330	3312	0154	33A	Disability Insurance	909	305	(604)
660	330	3312	0155	33A	Medicare	574	313	(261)
660	330	3312	0160	33A	PERS	12,774	6,640	(6,134)
660	330	3312	0161	33A	Deferred Compensation	1,870	995	(875)
660	330	3312	0162	33A	Workers' Compensation	1,932	1,449	(483)
660	330	3312	0164	33A	Unemployment	48	205	157
660	330	3312	0166	33A	Employee Assistance	48	36	(12)
660	330	3312	0167	33A	Employee Benefits-Admin	396	297	(99)
660	330	3312	0168	33A	Employee Leave Reimb	549	412	(137)
660	330	3312	0209	33B	Training Expense	140	0	(140)
660	330	3312	0210	33B	Utilities	9,703	4,453	(5,250)
660	330	3312	0216	33B	Equipment Rental	725	1,481	756
660	330	3312	0218	33B	Equipment Pool Rental	26,236	16,195	(10,041)
660	330	3312	0223	33B	Repair & Mtc Outside	3,275	900	(2,375)
660	330	3312	0226	33B	Laundry & Cleaning	1,045	767	(278)
660	330	3312	0228	33B	Store Svcs Inside	472	354	(118)
660	330	3312	0235	33B	Services, Professional & Other	3,400	1,926	(1,474)
660	330	3312	0250	33B	Custodial Svcs-City Forces	917	688	(229)
660	330	3312	0255	33B	Services City Forces	8,042	2,198	(5,844)

Schedule A

FD	AGY	ORGN	RSRC	OBJT/ APPR UNIT		CURRENT BUDGET	REVISED BUDGET	ADJUSTING AMOUNT
660	330	3312	0301	33C	Office Supplies	745	1,524	779
660	330	3312	0304	33C	Custodial Supplies	1,400	740	(660)
660	330	3312	0308	33C	Tool, Shop, & Field Supplies	2,265	372	(1,893)
660	330	3312	0310	33C	Gardening Supplies	9,950	9,053	(897)
660	330	3312	0360	33C	Real Property M&R Supplies	7,222	2,869	(4,353)
660	330	3312	0401	33D	Membership & Dues	150	0	(150)
660	330	3312	0413	33D	Property Insurance	223	167	(56)
660	330	3312	0415	33D	Other Liability Insurance	1,323	992	(331)
660	330	3312	9990	33F	Service Credits	(733)	(3,036)	(2,303)
660	330	3313	0110	33A	Salary & Wages, Regular	188,339	83,697	(104,642)
660	330	3313	0111	33A	Vacation	9,308	9,624	316
660	330	3313	0112	33A	Sick Leave	8,476	3,598	(4,878)
660	330	3313	0113	33A	Comp Time Off	3,952	0	(3,952)
660	330	3313	0114	33A	Holiday, Regular	7,852	4,941	(2,911)
660	330	3313	0115	33A	Holiday CTO	2,808	455	(2,353)
660	330	3313	0116	33A	M & C Leave	1,170	687	(483)
660	330	3313	0119	33A	Bereavement Leave	0	692	692
660	330	3313	0121	33A	Workers' Comp Non Tax	4,420	0	(4,420)
660	330	3313	0130	33A	Salary & Wages, Overtime	9,888	6,941	(2,947)
660	330	3313	0140	33A	Parttime	42,650	43,007	357
660	330	3313	0150	33A	Life Insurance	778	352	(426)
660	330	3313	0151	33A	Health Insurance	19,469	7,561	(11,908)
660	330	3313	0152	33A	Dental Insurance	5,143	2,317	(2,826)
660	330	3313	0153	33A	Vision Insurance	974	564	(410)
660	330	3313	0154	33A	Disability Insurance	3,268	645	(2,623)
660	330	3313	0155	33A	Medicare	2,422	1,179	(1,243)
660	330	3313	0160	33A	PERS	36,311	14,294	(22,017)
660	330	3313	0161	33A	Deferred Compensation	9,131	3,837	(5,294)
660	330	3313	0162	33A	Workers' Compensation	10,408	7,806	(2,602)
660	330	3313	0163	33A	Physicals	692	0	(692)
660	330	3313	0164	33A	Unemployment	131	1,741	1,610
660	330	3313	0166	33A	Employee Assistance	131	98	(33)
660	330	3313	0167	33A	Employee Benefits-Admin	1,056	792	(264)
660	330	3313	0168	33A	Employee Leave Reimb	2,651	1,988	(663)
660	330	3313	0202	33B	Mail Svcs - Inside	0	31	31
660	330	3313	0209	33B	Training Expense	285	107	(178)
660	330	3313	0210	33B	Utilities	29,223	14,197	(15,026)
660	330	3313	0218	33B	Equipment Pool Rental	122,874	66,688	(56,186)
660	330	3313	0223	33B	Repair & Mtc Outside	5,900	686	(5,214)
660	330	3313	0226	33B	Laundry & Cleaning	2,650	1,482	(1,168)
660	330	3313	0228	33B	Store Svcs Inside	714	535	(179)
660	330	3313	0235	33B	Services, Professional & Other	10,675	7,263	(3,412)
660	330	3313	0250	33B	Custodial Svcs-City Forces	1,796	1,347	(449)
660	330	3313	0255	33B	Services City Forces	5,386	4,310	(1,076)
660	330	3313	0301	33C	Office Supplies	1,150	2,031	881
660	330	3313	0302	33C	Books & Periodicals	100	15	(85)
660	330	3313	0304	33C	Custodial Supplies	1,790	446	(1,344)
660	330	3313	0308	33C	Tool, Shop, & Field Supplies	3,725	3,246	(479)
660	330	3313	0310	33C	Gardening Supplies	23,850	10,603	(13,247)
660	330	3313	0360	33C	Real Property M&R Supplies	14,604	8,173	(6,431)
660	330	3313	0401	33D	Membership & Dues	225	269	44

Schedule A

FD	AGY	OBJT/ APPR			CURRENT BUDGET	REVISED BUDGET	ADJUSTING AMOUNT	
		ORGN	RSRC	UNIT				
660	330	3313	0413	33D	Property Insurance	472	354	(118)
660	330	3313	0415	33D	Other Liability Insurance	4,101	3,076	(1,025)
660	330	3313	5339	33E	PC Printer	3,000	2,295	(705)
660	330	3313	9990	33F	Service Credits	(732)	(4,590)	(3,858)
660	330	3314	0110	33A	Salary & Wages, Regular	163,371	89,381	(73,990)
660	330	3314	0111	33A	Vacation	13,334	8,659	(4,675)
660	330	3314	0112	33A	Sick Leave	8,530	3,977	(4,553)
660	330	3314	0113	33A	Comp Time Off	2,836	191	(2,645)
660	330	3314	0114	33A	Holiday, Regular	6,913	4,614	(2,299)
660	330	3314	0115	33A	Holiday CTO	2,695	646	(2,049)
660	330	3314	0116	33A	M & C Leave	890	0	(890)
660	330	3314	0119	33A	Bereavement Leave	750	0	(750)
660	330	3314	0121	33A	Workers' Comp Non Tax	23	0	(23)
660	330	3314	0130	33A	Salary & Wages, Overtime	10,748	8,648	(2,100)
660	330	3314	0140	33A	Parttime	32,841	29,048	(3,793)
660	330	3314	0150	33A	Life Insurance	723	356	(367)
660	330	3314	0151	33A	Health Insurance	18,266	6,611	(11,655)
660	330	3314	0152	33A	Dental Insurance	4,835	2,065	(2,770)
660	330	3314	0153	33A	Vision Insurance	732	509	(223)
660	330	3314	0154	33A	Disability Insurance	2,723	698	(2,025)
660	330	3314	0155	33A	Medicare	2,467	1,532	(935)
660	330	3314	0160	33A	PERS	32,606	15,258	(17,348)
660	330	3314	0161	33A	Deferred Compensation	7,227	5,416	(1,811)
660	330	3314	0162	33A	Workers' Compensation	6,438	4,828	(1,610)
660	330	3314	0163	33A	Physicals	665	0	(665)
660	330	3314	0164	33A	Unemployment	120	1,142	1,022
660	330	3314	0166	33A	Employee Assistance	120	90	(30)
660	330	3314	0167	33A	Employee Benefits-Admin	924	693	(231)
660	330	3314	0168	33A	Employee Leave Reimb	2,871	2,153	(718)
660	330	3314	0202	33B	Mail Svcs - Inside	0	3	3
660	330	3314	0209	33B	Training Expense	420	100	(320)
660	330	3314	0210	33B	Utilities	51,726	25,715	(26,011)
660	330	3314	0216	33B	Equipment Rental	3,700	1,579	(2,121)
660	330	3314	0218	33B	Equipment Pool Rental	89,467	50,678	(38,789)
660	330	3314	0223	33B	Repair & Mtc Outside	21,180	1,967	(19,213)
660	330	3314	0226	33B	Laundry & Cleaning	2,545	1,156	(1,389)
660	330	3314	0235	33B	Services, Professional & Other	9,511	4,275	(5,236)
660	330	3314	0240	33B	Intergovernmental Svc	4,000	0	(4,000)
660	330	3314	0245	33B	Delivery Svcs	0	7	7
660	330	3314	0250	33B	Custodial Svcs-City Forces	1,197	898	(299)
660	330	3314	0255	33B	Services City Forces	3,998	1,286	(2,712)
660	330	3314	0302	33C	Books & Periodicals	100	0	(100)
660	330	3314	0304	33C	Custodial Supplies	2,000	1,830	(170)
660	330	3314	0308	33C	Tool, Shop, & Field Supplies	6,875	3,811	(3,064)
660	330	3314	0310	33C	Gardening Supplies	54,395	39,956	(14,439)
660	330	3314	0360	33C	Real Property M&R Supplies	12,537	5,909	(6,628)
660	330	3314	0401	33D	Membership & Dues	270	155	(115)
660	330	3314	0413	33D	Property Insurance	960	720	(240)
660	330	3314	0415	33D	Other Liability Insurance	4,214	3,160	(1,054)
660	330	3314	9990	33F	Service Credits	(1,089)	(4,642)	(3,553)
660	330	3315	0223	33B	Repair & Mtc Outside	0	651,600	651,600

Schedule A

FD	AGY	OBJT/ APPR		UNIT		CURRENT	REVISED	ADJUSTING
		ORGN	RSRC			BUDGET	BUDGET	AMOUNT
660	330	3316	0210	33B	Utilities	0	14,994	14,994
660	330	3316	0216	33B	Equipment Rental	0	220	220
660	330	3316	0223	33B	Repair & Mtc Outside	0	10,184	10,184
660	330	3316	0226	33B	Laundry & Cleaning	0	1,150	1,150
660	330	3316	0235	33B	Services, Professional & Other	0	5,530	5,530
660	330	3316	0250	33B	Custodial Svcs-City Forces	0	4,500	4,500
660	330	3316	0255	33B	Services City Forces	0	7,800	7,800
660	330	3316	0301	33C	Office Supplies	0	250	250
660	330	3316	0304	33C	Custodial Supplies	0	1,650	1,650
660	330	3316	0360	33C	Real Property M&R Supplies	0	1,000	1,000
660	330	3316	5292	33E	Kitchen Equip	0	14,204	14,204
660	700	7000	7010	33G	Transfer Out to General Fund	165,107	132,500	(32,607)
660	701	7001	7010	33L	Transfer Out to General Fund	76,821	130,981	54,160
660	800	8000	8003	33H	Contingency Reserve	56,114	444,225	388,111
670	340	3412	0360	34C	Real Property M&R Supplies	18,055	25,855	7,800
670	340	3413	0223	34B	Repair & Mtc Outside	10,436	15,750	5,314
670	340	3413	0235	34B	Services, Professional & Other	33,419	36,933	3,514
670	800	8000	8003	34H	Contingency Reserve	71,224	86,305	15,081
710	800	8000	8003	70R	Contingency Reserve	35,667	37,293	1,626
711	800	8000	8003	71H	Contingency Reserve	190,306	199,201	8,895
712	800	8000	8003	76H	Contingency Reserve	(11,143)	(9,907)	1,236
720	480	5812	0216	72B	Equipment Rental	4,147	20,147	16,000
720	480	5814	5427	72E	Van	27,109	0	(27,109)
720	480	5814	5436	72E	Truck	12,256	2,771	(9,485)
720	480	5814	5437	72E	Truck	14,256	0	(14,256)
720	480	5814	5438	72E	Truck	15,596	0	(15,596)
720	480	5814	5441	72E	Truck	26,400	0	(26,400)
720	480	5814	5442	72E	Van	29,694	0	(29,694)
720	480	5814	5443	72E	Van	29,694	0	(29,694)
720	480	5814	5446	72E	Water Trailer	17,976	0	(17,976)
720	480	5814	5447	72E	Trailer	6,395	0	(6,395)
720	480	5814	5449	72E	Arrowboard	5,559	0	(5,559)
720	480	5814	5450	72E	Aerator	8,085	0	(8,085)
720	480	5814	5453	72E	Truck	14,256	1,395	(12,861)
720	480	5814	5454	72E	Truck	14,256	659	(13,597)
720	480	5814	5456	72E	Truck	48,432	0	(48,432)
720	480	5814	5461	72E	Trailer	6,359	0	(6,359)
720	480	5814	5462	72E	Trailer	6,395	0	(6,395)
720	700	7000	7660	72G	Transfer Out to Golf Fund	0	445,028	445,028
720	800	8000	8003	72R	Contingency Reserve	1,638,891	1,209,722	(429,169)
731	800	8000	8003	73H	Contingency Reserve	142	12,344	12,202
736	030	6613	0410		Membership & Dues	555,000	507,695	(47,305)
736	800	8000	8003		Contingency Reserve	0	34,540	34,540
751	800	8000	8003	75H	Contingency Reserve	2,205,634	2,769,342	563,708
780	350	3512	0110	35A	Salary & Wages, Regular	15,548	0	(15,548)
780	700	7000	7660	35G	Transfer Out to Golf Fund	0	15,548	15,548
780	800	8000	8003	35H	Contingency Reserve	98,477	132,634	34,157
885	800	8000	8003	88H	Contingency Reserve	586,869	603,097	16,228
890	310	3912	0360	89C	Real Property M&R Supplies	17,227	11,577	(5,650)
905	800	8000	8003	90H	Contingency Reserve	0	63	63
907	140	1492	0467	92D	Land Acquisition	14,300	38,566	24,266

Schedule A

FD	AGY	OBJT/		APPR		CURRENT	REVISED	ADJUSTING
		ORGN	RSRC			BUDGET	BUDGET	AMOUNT
113	310	F636	6040	636	Construction -CIP	52,000	51,600	(400)
113	430	F687	6040	687	Construction -CIP	400,000	508,743	108,743
113	020	F789	6040	789	Construction -CIP	41,625	61,625	20,000
113	310	F820	6040	820	Construction -CIP	0	55,000	55,000

Schedule A

FD	AGY	ORGN	OBJT/ APPR		CURRENT	REVISED	ADJUSTING
			RSRC	UNIT			
Revenue							
010	050	0502	8155	Miscellaneous Revenue	65,000	74,000	9,000
010	190	1901	4045	Jail Booking Fee	10,000	18,000	8,000
010	190	1921	3727	School Police Reimb	84,500	134,500	50,000
010	190	1921	3729	DARE Reimbursement	123,458	0	(123,458)
010	190	1961	3172	Prop 172 Sales Tax Alloc	386,250	311,250	(75,000)
010	190	1961	4028	Vehicle Releases	45,000	60,000	15,000
010	190	1963	3175	Crime Grant	475,000	675,000	200,000
010	190	1964	2104	Dog License	142,000	122,000	(20,000)
010	300	3001	8123	Special Events Insurance	5,150	10,800	5,650
010	320	3212	4070	Street Trees	4,600	10,000	5,400
010	420	4213	2210	Encroachment Permits	18,000	28,000	10,000
010	510	9510	1201	Sales & Use Tax	17,046,762	16,846,762	(200,000)
010	510	9510	1204	Utility Users Tax	10,433,000	10,233,000	(200,000)
010	510	9510	1404	Business License Mill Tax	4,584,000	4,534,000	(50,000)
010	510	9510	7201	Trust Deposits Forfeited	103	8,135	8,032
010	510	9510	8126	PERS Credit	0	1,900,000	1,900,000
010	700	7000	9113	Transfer In to CDBG Fund	222,304	323,365	101,061
010	700	7000	9660	Transfer In to Golf Fund	165,107	132,500	(32,607)
010	701	7001	9660	Transfer In to Golf Fund	76,821	130,981	54,160
113	140	1452	3513	CDBG-Operating Grant	509,051	629,112	120,061
113	140	1452	8126	PERS Credit	0	9,758	9,758
113	140	1454	3513	CDBG-Operating Grant	360,975	431,375	70,400
113	140	1455	3513	CDBG-Operating Grant	150,000	141,870	(8,130)
113	140	1456	3513	CDBG-Operating Grant	688,459	614,429	(74,030)
113	140	1456	8126	PERS Credit	0	17,097	17,097
113	140	1457	3513	CDBG-Operating Grant	129,000	154,000	25,000
113	140	1462	3513	CDBG-Operating Grant	513,225	1,343,014	829,789
115	140	1466	3513	CDBG-Operating Grant	580,814	1,002,838	422,024
116	140	1467	3513	CDBG-Operating Grant	200,000	107,120	(92,880)
117	140	1458	3517	Home Grant	1,504,054	1,560,747	56,693
117	140	1458	8126	PERS Credit	0	2,071	2,071
117	140	1459	3517	Home Grant	166,078	181,707	15,629
130	700	7000	9010	Transfer In to General Fund	136,545	236,545	100,000
610	480	5012	8126	PERS Credit	0	114,710	114,710
610	480	5014	8126	PERS Credit	0	1,178	1,178
621	480	5201	8126	PERS Credit	0	11,925	11,925
621	480	5212	8126	PERS Credit	0	42,902	42,902
621	480	5213	8126	PERS Credit	0	48,371	48,371
621	480	5214	8126	PERS Credit	0	21,461	21,461
621	480	5215	8126	PERS Credit	0	17,296	17,296
621	480	5217	8126	PERS Credit	0	10,928	10,928
628	480	5312	8126	PERS Credit	0	15,957	15,957
628	480	5313	8126	PERS Credit	0	17,685	17,685
628	480	5314	8126	PERS Credit	0	3,073	3,073
631	480	5412	8126	PERS Credit	0	12,548	12,548
651	160	1672	8126	PERS Credit	0	9,213	9,213
651	480	5612	8126	PERS Credit	0	16,141	16,141
651	510	9510	3604	FTA-Transit Capital Grant	64,000	112,000	48,000
651	510	9510	8155	Miscellaneous Revenue	0	12,000	12,000
660	330	3311	8122	Refunds & Damage Recovery	11,510	21,405	9,895

Schedule A

FD	AGY	OBJT/ APPR		UNIT	CURRENT	REVISED	ADJUSTING
		ORGN	RSRC		BUDGET	BUDGET	AMOUNT
660	330	3311	8126	PERS Credit	0	3,412	3,412
660	330	3311	8144	Privatization Revenue	0	216,082	216,082
660	330	3312	8126	PERS Credit	0	4,865	4,865
660	330	3313	4076	Golf Green Fees	941,909	841,909	(100,000)
660	330	3313	8126	PERS Credit	0	13,829	13,829
660	330	3314	1322	Clubhouse Concessions	25,000	5,000	(20,000)
660	330	3314	4076	Golf Green Fees	918,023	818,023	(100,000)
660	330	3314	8126	PERS Credit	0	12,418	12,418
660	700	7000	9720	Transfer In to Fleet Management Fun	0	445,028	445,028
660	700	7000	9780	Transfer In to Building Services Fund	0	15,548	15,548
670	340	3412	4082	Commissions	134,000	150,654	16,654
670	340	3412	8126	PERS Credit	0	15,081	15,081
710	120	1253	8126	PERS Credit	0	1,626	1,626
711	120	1272	8126	PERS Credit	0	8,895	8,895
712	050	0554	8126	PERS Credit	0	1,236	1,236
720	480	5812	8126	PERS Credit	0	29,030	29,030
720	480	5813	8126	PERS Credit	0	10,936	10,936
720	510	9510	4961	Equipment Pool	4,810,690	4,524,690	(286,000)
731	030	0372	8126	PERS Credit	0	12,202	12,202
736	030	6613	4971	Premium Assessments	132,765	120,000	(12,765)
751	030	0351	8126	PERS Credit	0	2,031	2,031
751	030	6651	8126	PERS Credit	0	561,677	561,677
780	350	3512	8126	PERS Credit	0	34,157	34,157
885	190	1970	8126	PERS Credit	0	16,228	16,228
890	510	9510	6101	Interest	3,000	2,350	(650)
890	510	9510	8123	Special Events Insurance	5,000	0	(5,000)
905	140	1490	8126	PERS Credit	0	63	63
907	140	1492	4058	Developer's Share of Project	14,300	38,566	24,266

MODESTO CITY COUNCIL
RESOLUTION NO. 96-63

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BOOKMAN-EDMONSTON FOR PREPARATION OF AN APPRAISAL OF THE VALUE OF THE OUTLYING SYSTEMS OF THE FORMER DEL ESTE WATER COMPANY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bookman-Edmonston for preparation of an appraisal of the value of the outlying systems of the former Del Este Water Company be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-64

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
APPLICATIONS AND GRANT-RELATED DOCUMENTS FOR USED MOTOR
OIL RECYCLING AND HOUSEHOLD HAZARDOUS WASTE GRANTS

WHEREAS, the people of the State of California have enacted the California Oil Recycling Enhancement Act which provides funds to cities and counties for establishing and maintaining local used oil collection programs that encourage recycling or appropriate disposal of used oil, and

WHEREAS, the California Integrated Waste Management Board has been delegated the responsibility for the administration of the program within the state, setting up necessary procedures governing application by cities and counties under the program, 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 applications and related documents for such funding, and

WHEREAS, City staff has recommended that the Council adopt a resolution authorizing the submittal of grant applications and grant-related documents for Used Motor Oil Recycling and Household Hazardous Waste Grants to enable the City to obtain funds to offset the cost of comprehensive public education programs identified for implementation in the City's draft Household Hazardous Waste Element,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute all necessary applications, contracts, payment requests, agreements and amendments thereto for submittal to the California Integrated Waste Management Board for all available grants under the California Oil Recycling Enhancement Act and all available Household Hazardous Waste Grants under the California Integrated Waste Management Act, for the period of

January 1, 1996 through January 1, 1997,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-65

A RESOLUTION APPROVING AN AGREEMENT FOR SURVEY SERVICES BETWEEN THE CITY OF MODESTO AND DELAMARE-FULTZ ENGINEERING FOR SURVEY SERVICES ON VARIOUS C.I.P. PROJECTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for survey services between the City of Modesto and DeLaMare-Fultz Engineering for survey services on various C.I.P. projects be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL.
RESOLUTION NO. 96-66

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE EXECUTION OF THAT FIRST AMENDMENT TO INDENTURE OF TRUST AND FIRST AMENDMENT TO LOAN AGREEMENT WITH RESPECT TO ITS \$8,800,000 VARIABLE RATE MULTIFAMILY HOUSING REFUNDING REVENUE BONDS (SHADOWBROOK APARTMENTS), 1992 ISSUE A 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 Article 11 of Chapter 3 of Division 2 of Title 5 of the Government Code of the State of California, commencing with Section 53580 (the "Act"), the City is authorized to incur indebtedness for the purpose of refunding any revenue bonds of the local agency, and the Act provides a complete, additional and alternative method for such financing; and

WHEREAS, pursuant to the Act and pursuant to that certain Indenture of Trust (the "Indenture"), dated as of July 1, 1992, by and between the City and First Trust of California, National Association, the City issued its Variable Rate Multifamily Housing Refunding Revenue Bonds (Shadowbrook Apartments), 1992 Issue A in the aggregate principal amount of \$8,800,000 (the "Bonds"); and

WHEREAS, the City entered into a loan agreement (the "Agreement" or "Loan Agreement") with the Trustee and Shadowbrook Properties, a California Limited Partnership (the "Borrower") in order to provide funds to refinance a 296-unit multifamily rental housing development located at southwest corner of Standiford Drive and Hahn Drive, in the City of Modesto, California (the "Project") and in connection with the repayment by the Borrower of such loan, the Borrower was required to obtain a Letter of Credit and Reimbursement Agreement, dated as of July 1, 1992, pursuant to which Bank of America National Trust and Savings Association issued its irrevocable direct pay letter of credit (the "Letter of Credit") to secure the repayment of the Bonds; and

WHEREAS, the Letter of Credit expires on March 1, 1996, which is also the Initial Reset Date under the Indenture, and the Borrower desires to extend the Letter of Credit for a period of 90 days (the "Extension Date"), said Extension Date expiring on May 31, 1996; and

WHEREAS, the Borrower has requested the City's assistance to make the required amendments to the documents to provide for an extension of the Letter of Credit, and has agreed to pay the costs and expenses of the City and the fees and expenses of its Bond Counsel; and

WHEREAS, pursuant to Section 9.01(c) of the Indenture the City may amend the Indenture from time to time and at any time to make such provisions for the purpose of curing any ambiguity, inconsistency or omission, or of curing, correcting or supplementing any defective provision contained in this Indenture provided such amendment does not materially adversely affect the interests of the holders of the Bonds; and

WHEREAS, in order to facilitate an extension of the Letter of Credit to the Expiration Date and the resale of the Bonds thereafter, the City has caused to be prepared and lodged with the City Clerk, the following instruments:

- (1) the form of First Amendment to Indenture of Trust; and
- (2) the form of First Amendment to Loan Agreement; and

WHEREAS, the City is now duly authorized and empowered, pursuant to each and every requirement of law, to cause the execution of the First Amendment to the Indenture of Trust and the First Amendment to the Loan Agreement;

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. Approval of First Amendment to Indenture of Trust. The City Council hereby approves the form of a First Amendment to Indenture of Trust, to be dated as of February 1, 1996, by and between the City and the Trustee, substantially in the form lodged with the City Clerk and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute the First Amendment to Indenture of Trust, but with such changes therein, deletions therefrom and modifications thereto as the City Manager or the Finance Director (as the case may be) shall approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Approval of First Amendment to Loan Agreement. The City Council hereby approves the form of First Amendment to Loan Agreement, to be dated as of February 1, 1996, by and among the City, the Borrower and the Trustee (the "Loan Agreement Amendment") substantially in the form lodged with the City Clerk and the City Manager or the Finance Director (as the case may be) of the City is authorized and requested to execute and deliver such Loan Agreement Amendment, but with such changes therein, deletions therefrom and modifications thereof as the City Manager or the 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 4. Further Action Authorized. The City Manager, the Mayor, the City Clerk, the City Attorney, the 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 reoffering and sale of the Bonds on the Initial Reset Date, to permit the reoffering and sale of the Bonds thereafter, including any further amendments to the First Amendment to Indenture of Trust and First Amendment to Loan Agreement required to obtain a rating on 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 the reoffering and sale 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 13th day of February 1996, by Councilmember Friedman who moved its adoption, which motion being duly seconded by Councilmember McClanahan was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan,
McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
AYES: Councilmembers: None

ATTEST:

By: Jean Adams
Jean Adams
City Clerk

(S E A L)

APPROVED AS TO FORM:

By: Michael D. Milich
Michael D. Milich
City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-67

A RESOLUTION AUTHORIZING THE USE OF A RENT
LIMITATION AGREEMENT FOR INVESTOR-OWNED
HOUSING REHABILITATION PROJECTS AND
AUTHORIZING THE CITY MANAGER TO ENTER INTO
SAID AGREEMENTS.

WHEREAS, Subsection (q) of Section 801 of Article VIII
of the Charter of the City of Modesto empowers the City Manager
to sign all contracts, deeds and other documents on behalf of the
City when authorized to do so by the Council or by the Charter,
and

WHEREAS, the Uniform Relocation Assistance and Real
Property Acquisition Policies Act of 1970 (URA) and Section
104(d) of the Housing and Community Development Act of 1974, as
amended, require recipients of Housing and Urban Development
(HUD) funds to minimize displacement of low-income individuals
and households when the displacement is the result of acquisition
demolition, or rehabilitation, and

WHEREAS, in order to prevent the possibility of
investor-owners displacing tenants, a Rent Limitation Agreement
has been developed, a copy of which is marked Exhibit "A" and
attached hereto for reference,

NOW, THEREFORE, BE IT RESOLVED that the Council of the
City of Modesto hereby approves the use of a Rent Limitation
Agreement, a copy of which is marked Exhibit "A" and attached
hereto for reference, for investors receiving financial
assistance to rehabilitate their properties through the City's

Housing Rehabilitation Program,

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to enter into Rent Limitation Agreements for investor-owned housing rehabilitation projects, provided that all agreements have been reviewed by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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

CDBG AND HOME PROGRAM
RENT LIMITATION AGREEMENT
(Secured by Deed of Trust)

RECORDING REQUESTED BY:

CITY OF MODESTO

WHEN RECORDED MAIL TO:

Lisa Forester - City of Modesto

P.O. Box 642

Modesto, California 95353-3958

RENT LIMITATION AND TENANCY SCHEDULE AGREEMENT

This Rent Limitation and Tenancy Schedule Agreement is executed this ___ day of _____, 19___, by _____ (hereinafter referred to as "Borrower") in consideration of the receipt of a Community Development Block Grant or HOME below market interest rate loan at ___% interest for _____ years for the rehabilitation of real property in the County of Stanislaus, State of California described as follows: _____

Borrower agrees to operate the property described in accordance with the following terms, or pay all relocation benefits for tenants occupying the unit (as required by U.S. Department of Housing and Urban Development regulations):

- Existing tenants will have an absolute right of return to the unit after rehabilitation has occurred. The existing tenants who occupy this unit is/are _____

The existing rent is \$_____ per month.

- The Borrower covenants that his or her written rental lease will permit the tenants occupying the assisted units to continue to pay the existing rent for a period of one year.

3. The conditions and restrictions affecting the real property subject to this agreement shall be independent and shall be binding on all parties having or acquiring any right, title or interest in the property or any part thereof, including agents, personal representatives, mortgagors, heirs, assignors and all successors in interest. Borrower agrees that for at least 12 months after the issuance of a notice of completion for the rehabilitation of the assisted units, reference to this agreement shall be inserted in any subsequent deeds and other legal instruments by which subject real property or any interest therein is conveyed.
4. Should any litigation be commenced between the parties hereto, or their personal representatives, concerning any provisions of this Agreement, or the rights and duties of any person in relation thereto, the party or parties prevailing in such litigation shall be entitled, in addition to such other relief as may be granted, to a reasonable sum as and for his attorney fees in such litigation, which shall be determined by the Court in such litigation, or in a separate action brought for that purpose.
5. Compliance with this Rent Limitation Agreement may be monitored by representatives of the United States Department of Housing and Urban Development (HUD), or the City of Modesto.
6. A copy of this agreement will be supplied to the tenant.

CITY OF MODESTO, a municipal corporation

By: _____

Borrower's Printed Name

Tenant's Printed Name

Borrower's Signature Date

Tenant's Signature Date

Borrower's Printed Name

Tenant's Printed Name

Borrower's Signature Date

Tenant's Signature Date

MODESTO CITY COUNCIL
RESOLUTION NO.96-68

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE
A REQUEST FOR PROPOSALS FOR THE SELECTION OF
A VENDOR FOR TELEPHONE SOFTWARE AND EQUIPMENT
UPGRADE SERVING CITY HALL AND THE CORPORATION
YARD.

WHEREAS, the City Hall PBX has reached its growth
capacity of 736 users, and new software needs to be added to
increase the user capacity and provide certain features as set
forth in a report to the Mayor and City Council from the
Finance/Purchasing Division dated February 13, 1996, a copy of
which report is on file in the office of the City Clerk, and

WHEREAS, due to the complexity involved in identifying
and implementing state-of-the-art software and equipment
necessary to upgrade the equipment currently serving City Hall
and the Corporation Yard, City staff has recommended that the
Council authorize City staff to issue a request for proposals for
the selection of a vendor for the telephone software and
equipment upgrade project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby authorizes City staff to issue a
request for proposals for the selection of a vendor for the
telephone software and equipment upgrade project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-69

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE
A REQUEST FOR PROPOSALS FOR THE SELECTION OF
A VENDOR FOR AN ENGINEERING COMPUTER NETWORK
SYSTEM FROM PREQUALIFIED CONSULTANTS.

WHEREAS, the Engineering Division of the Public Works
and Transportation Department has requested the purchase of an
engineering computer network system for purposes as set forth in
a report to the Mayor and City Council from the Finance/
Purchasing Division dated February 13, 1996, a copy of which
report is on file in the office of the City Clerk, and

WHEREAS, the new engineering computer network system
would provide improved access to all of the engineering
information and plotter by nineteen staff members, as well as
providing other improved capabilities, and

WHEREAS, City staff has recommended that the Council
authorize City staff to issue a request for proposals for the
selection of a vendor for the engineering computer network system
from prequalified consultants: Central Visual Information
Systems and Nolte & Associates, and

WHEREAS, said proposals shall consist of two
alternatives as follows:

- 1) Design, furnish and install (design-build) an
engineering computer network system.
- 2) Design and provide technical specifications and
install an engineering computer network system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals for the selection of a vendor for the engineering computer network system from prequalified consultants Central Visual Information Systems and Nolte & Associates.

BE IT FURTHER RESOLVED that said proposal shall consist of two alternatives as mentioned above, and alternative No. 2 shall allow the City to separately bid the hardware and software after the design and development of the technical specifications. The Purchasing Officer shall evaluate the proposals based on a technical evaluation and cost and shall thereafter make a recommendation to the City Council to award.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-70

A RESOLUTION ACCEPTING THE PROJECT TITLED REPLACEMENT OF DISCHARGE LINES AT
SCENIC BEND LIFT STATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Replacement of Discharge Lines at Scenic Bend Lift Station, has been completed by Rolfe Construction Company, in accordance with the contract agreement dated August 1, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Replacement of Discharge Lines at Scenic Bend Lift Station be accepted from said contractor, Rolfe Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$153,548.00 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 February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McKinsey, McClanahan, Serpa, Mayor
Lang

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-71

A RESOLUTION APPROVING THE EXTENSION AND ADDENDUM TO THE COMMUNICATIONS AGREEMENT WITH THE COUNTY OF STANISLAUS TO CONTINUE THE PROVISION OF PUBLIC SAFETY CENTRAL DISPATCHING SERVICES FOR THE BALANCE OF FISCAL YEAR 1996, THROUGH JUNE 30, 1996

WHEREAS, on August 28, 1990, the County of Stanislaus and the City of Modesto entered into an agreement for communications services, providing emergency dispatching fo City Police and Fire, 911 services, mobile data terminal communications, and related emergency support activity, and

WHEREAS, the County and the City have been discussing the future communications relations and need additional time to determine the best way to handle radio dispatching activity.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the extension and addendum to the communications agreement between the City of Modesto and the County of Stanislaus 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 February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly

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

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-72

A RESOLUTION IN SUPPORT OF A STANISLAUS
COUNTY CONDITION OF CHILDREN CONFERENCE.

WHEREAS, pertaining to 1993-1994 statistics, 40.6% of Stanislaus County children come from low income families, ranking Stanislaus County as one of the highest in child poverty in the State of California, and

WHEREAS, California has experienced a 23% increase in the teen birth rate since 1989, and Stanislaus County teens, 15 to 19 years of age, gave birth at a rate of 14.3% of all county births in 1993, and

WHEREAS, between the years 1991 and 1994, Stanislaus County ranked 24th in the State in the number of reported child abuse cases, and

WHEREAS, between 1991 and 1993, ten of Stanislaus County's children were murdered with guns, ranking Stanislaus County behind only 18 of the 58 counties in the State, and

WHEREAS, eleven children in Stanislaus County committed suicide between 1991 and 1993, with only 13 of the 58 counties reporting a higher number of suicides, and

WHEREAS, the Modesto City Council acknowledges that children in Stanislaus County deserve our focus and support,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council supports the goals of the Stanislaus County Condition of Children Conference.

BE IT FURTHER RESOLVED by the Council that we shall join community leaders and participate in the Stanislaus County Condition of Children Conference to be held on April 23, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of February, 1996, 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, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Revised 4/24/96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-73

A RESOLUTION GRANTING THE APPLICATION OF RICHARD BERLANGA, AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE STATE DEPARTMENT OF ALCOHOL BEVERAGE CONTROL BOARD ISSUANCE OF AN ON-SALE PUBLIC PREMISE LIQUOR LICENSE FOR "THE END ZONE", A SPORTS TAVERN ON PREMISES LOCATED AT 241 SEVENTH STREET IN THE CITY OF MODESTO.

WHEREAS, effective January 1, 1995, the Business and Professions Code regulations governing liquor license applications were revised, and

WHEREAS, said new State law mandates that the State Department of Alcohol Beverage Control (ABC) shall automatically deny the applicant's request for an ABC liquor license if, pursuant to Section 23958 of the business and Professions Code, records show an "undue concentration" of liquor licenses exist in the application census tract, or if issuance would create an undue law enforcement problem, and

WHEREAS, that same law (Business and Professions Code Section 23958) allows any denied applicant to apply to the local governmental governing body for a finding of public convenience and necessity, and

WHEREAS, the Modesto City Council is the local governmental governing body to whom applicants requesting liquor licenses for premises in the City of Modesto may apply for a determination as to whether the public convenience or necessity

would best be served by the issuance of an on-sale public premise retail liquor license at a requested location, and

WHEREAS, Richard Berlanga filed an application with the Alcohol Beverage Control (ABC) Board for a license transfer, Type 42, which would allow the sale of beer and wine for consumption on the premises and off-site, for "The End Zone" a sports bar located at 241 Seventh Street, and the ABC has not approved the application based on "undue concentration" of licenses in this census tract as seven on-sale licenses are allowed and eight already exist, and

WHEREAS, as a result of the new State law, as mentioned above, Richard Berlanga is not able to qualify for a liquor license from the State Department of Alcohol Beverage Control until the City of Modesto makes a determination that the public convenience or necessity would be served by the issuance of the requested off-sale retail liquor license, and

WHEREAS, by letter dated November 28, 1995, from Richard Berlanga, an application for such a determination as filed was filed with the City Council of the City of Modesto, and

WHEREAS, said application 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 January 9, 1996 at 4:00 p.m., and

WHEREAS, said matter, by motion, was deferred to the

Community Development and Housing Committee for further analysis,
and

WHEREAS, on February 21, 1996, the Community Development and Housing Committee considered said matter and recommended approval of the variance, subject to certain conditions, based on said application being a license transfer from premise-to-premise, and as such, would be approvable based on the 150% over-concentration allowance and policy criteria,
and

WHEREAS, said application was again 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 27, 1996 at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said application to the decision of the State Department of Alcohol Beverage Control Board should be approved, as recommended by the Committee, subject to certain conditions, and based on said application being a license transfer from premise-to-premise, and as such, is approvable based on the 150% over-concentration allowance and policy criteria,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, with respect to subparagraph (3) of Section 23958.4 of the Business and Professions Code, the Council finds and determines that the public convenience and necessity would be served by an on-

sale public premise retail liquor license being issued by the State Department of Alcohol Beverage Control Board for "The End Zone" on premises located at 241 Seventh Street, in the City of Modesto, subject to the conditions set forth on Attachment "A", which is incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

ATTACHMENT 'A'
THE END ZONE - LICENSE SUPPLEMENTAL CONDITIONS

- 1) No off-site sales, as recommended by the ABC.
- 2) All doors must be kept closed during hours of operation.
- 3) No dancing, live entertainment or amplified music except television / video screen.
- 4) No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
- 5) The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate, and make easily discernible, the appearance and conduct of all persons on or about the parking lot.
- 6) Signs shall be posted stating "ALCOHOLIC BEVERAGES MAY NOT BE TAKEN OFF THE PREMISES" at all exits.
- 7) A minimum ratio of one (1) state-certified security guard per 100 patrons shall be on duty to patrol the outside of the premises; not to be used as a "bouncer - doorman

12/22/96 (3)

MODESTO CITY COUNCIL
RESOLUTION NO. 96-73

A RESOLUTION GRANTING THE APPLICATION OF RICHARD BERLANGA, AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE STATE DEPARTMENT OF ALCOHOL BEVERAGE CONTROL BOARD ISSUANCE OF AN OFF-SALE LIQUOR LICENSE FOR "THE END ZONE", A SPORTS TAVERN ON PREMISES LOCATED AT 241 SEVENTH STREET IN THE CITY OF MODESTO.

WHEREAS, effective January 1, 1995, the Business and Professions Code regulations governing liquor license applications were revised, and

WHEREAS, said new State law mandates that the State Department of Alcohol Beverage Control (ABC) shall automatically deny the applicant's request for an ABC liquor license if, pursuant to Section 23958 of the business and Professions Code, records show an "undue concentration" of liquor licenses exist in the application census tract, or if issuance would create an undue law enforcement problem, and

WHEREAS, that same law (Business and Professions Code Section 23958) allows any denied applicant to apply to the local governmental governing body for a finding of public convenience and necessity, and

WHEREAS, the Modesto City Council is the local governmental governing body to whom applicants requesting liquor licenses for premises in the City of Modesto may apply for a determination as to whether the public convenience or necessity would best be served by the issuance of an off-sale retail liquor

license at a requested location, and

WHEREAS, Richard Berlanga filed an application with the Alcohol Beverage Control (ABC) Board for a license transfer, Type 42, which would allow the sale of beer and wine for consumption on the premises and off-site, for "The End Zone" a sports bar located at 241 Seventh Street, and the ABC has not approved the application based on "undue concentration" of licenses in this census tract as seven on-sale licenses are allowed and eight already exist, and

WHEREAS, as a result of the new State law, as mentioned above, Richard Berlanga is not able to qualify for a liquor license from the State Department of Alcohol Beverage Control until the City of Modesto makes a determination that the public convenience or necessity would be served by the issuance of the requested off-sale retail liquor license, and

WHEREAS, by letter dated November 28, 1995, from Richard Berlanga, an application for such a determination as filed was filed with the City Council of the City of Modesto, and

WHEREAS, said application 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 January 9, 1996 at 4:00 p.m., and

WHEREAS, said matter, by motion, was deferred to the Community Development and Housing Committee for further analysis,

and

WHEREAS, on February 21, 1996, the Community Development and Housing Committee considered said matter and recommended approval of the variance, subject to certain conditions, based on said application being a license transfer from premise-to-premise, and as such, would be approvable based on the 150% over-concentration allowance and policy criteria, and

WHEREAS, said application was again 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 27, 1996 at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said application to the decision of the State Department of Alcohol Beverage Control Board should be approved, as recommended by the Committee, subject to certain conditions, and based on said application being a license transfer from premise-to-premise, and as such, is approvable based on the 150% over-concentration allowance and policy criteria,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, with respect to subparagraph (3) of Section 23958.4 of the Business and Professions Code, the Council finds and determines that the public convenience and necessity would be served by an off-sale retail liquor license being issued by the

State Department of Alcohol Beverage Control Board for "The End Zone" on premises located at 241 Seventh Street, in the City of Modesto, subject to the conditions set forth on Attachment "A", which is incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman,
McClanahan, McKinsey, 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

MICHAEL D. MILICH, City Attorney

ATTACHMENT 'A'
THE END ZONE - LICENSE SUPPLEMENTAL CONDITIONS

- 1) No off-site sales, as recommended by the ABC.
- 2) All doors must be kept closed during hours of operation.
- 3) No dancing, live entertainment or amplified music except television / video screen.
- 4) No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
- 5) The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate, and make easily discernible, the appearance and conduct of all persons on or about the parking lot.
- 6) Signs shall be posted stating "ALCOHOLIC BEVERAGES MAY NOT BE TAKEN OFF THE PREMISES" at all exits.
- 7) A minimum ratio of one (1) state-certified security guard per 100 patrons shall be on duty to patrol the outside of the premises; not to be used as a "bouncer - doorman

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-74

A RESOLUTION DENYING THE APPLICATION OF
MICHAEL DUMAS FOR AN OFF-SALE LIQUOR LICENSE
FOR "SPARKY'S SPORT PUB", ON PREMISES LOCATED
AT 3848 MC HENRY AVENUE, SUITE 215, BUILDING
2, IN THE CITY OF MODESTO.

WHEREAS, effective January 1, 1995, the Business and
Professions Code regulations governing liquor license
applications were revised, and

WHEREAS, said new State law mandates that the State
Department of Alcohol Beverage Control (ABC) shall automatically
deny the applicant's request for an ABC liquor license if,
pursuant to Section 23958 of the business and Professions Code,
records show an "undue concentration" of liquor licenses exist in
the application census tract, or if issuance would create an
undue law enforcement problem, and

WHEREAS, that same law (Business and Professions Code
Section 23958) allows any denied applicant to apply to the local
governmental governing body, and

WHEREAS, the Modesto City Council is the local
governmental governing body to whom applicants requesting liquor
licenses for premises in the City of Modesto may apply for a
determination as to whether the public convenience or necessity
would best be served by the issuance of an off-sale retail liquor
license at a requested location, and

WHEREAS, Michael Dumas and Manuel Gaspar filed an
application with the Alcohol Beverage Control (ABC) Board for a

new license, Type 42, which would authorize the sale of beer and wine for consumption on the premises and off-site, for "Sparky's Sport Pub" located at 3848 McHenry Avenue, Suite 215, Building 2, and the ABC has not approved the application based on "undue concentration" of licenses in this census tract as nine licenses are allowed and 13 already exist, and

WHEREAS, as a result of the new State law, as mentioned above, Mr. Dumas and Mr. Gaspar are not able to qualify for a liquor license from the State Department of Alcohol Beverage Control until the City of Modesto makes a determination that the public convenience or necessity would be served by the issuance of the requested off-sale retail liquor license, and

WHEREAS, by letter dated December 13, 1995, from Mr. Dumas, an application for such a determination was filed with the City Council of the City of Modesto, and

WHEREAS, said application 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 January 9, 1996 at 4:00 p.m., and

WHEREAS, said matter, by motion, was deferred to the Community Development and Housing Committee for further analysis, and

WHEREAS, City staff agrees with the ABC determination and it has been confirmed that based on the City's proposed criteria, no significant growth can occur within our present City

limits, thus, the application does not qualify for increased growth potential within the census tract, and

WHEREAS, after consideration of said matter, the Committee recommended approval based on staff recommendation and policy criteria, and

WHEREAS, said application was again 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 27, 1996 at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said application should be denied,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, with respect to subparagraph (2) of Section 23958.4 of the Business and Professions Code, the Council finds and determines that the public convenience and necessity would not be served by an off-sale retail liquor license (Type 42) being issued by the State Department of Alcohol Beverage Control Board for "Sparky's Sport Pub" on premises located at 3848 McHenry Avenue, Suite 215, Building 2, in the City of Modesto, and the application is hereby denied. However, the City Council declares its intent to support the applicants' application for a Type 41 license.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, by Councilmember McClanahan, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: McKinsey

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Link
(S)

MODESTO CITY COUNCIL
RESOLUTION NO. 96-75

A RESOLUTION DENYING THE APPLICATION OF
JAGTAR S. UPPAL AND SATNAM S. UPPAL FOR AN
OFF-SALE LIQUOR LICENSE FOR "PACIFIC MARKET",
LOCATED AT 131 COLFAX AVENUE, IN THE CITY OF
MODESTO.

WHEREAS, effective January 1, 1995, the Business and
Professions Code regulations governing liquor license
applications were revised, and

WHEREAS, said new State law mandates that the State
Department of Alcohol Beverage Control (ABC) shall automatically
deny the applicant's request for an ABC liquor license if,
pursuant to Section 23958 of the business and Professions Code,
records show an "undue concentration" of liquor licenses exist in
the application census tract, or if issuance would create an
undue law enforcement problem, and

WHEREAS, that same law (Business and Professions Code
Section 23958) allows any denied applicant to apply to the local
governmental governing body, and

WHEREAS, the Modesto City Council is the local
governmental governing body to whom applicants requesting liquor
licenses for premises in the City of Modesto may apply for a
determination as to whether the public convenience or necessity
would best be served by the issuance of an off-sale retail liquor
license at a requested location, and

WHEREAS, Jagtar S. Uppal and Satnam S. Uppal filed an
application with the Alcohol Beverage Control (ABC) Board for a

new license, Type 21, which would authorize off-sale privileges for wine, beer and distilled spirits, and which establishment currently has a Type 20 license which allows off-site sale of beer and wine only, for Pacific Market, located at 131 Colfax Avenue, and the ABC has not approved the application based on "undue concentration" of off-sale licenses within the establishment's census tract as seven licenses are allowed and eight licenses already exist, and

WHEREAS, the application also falls within the ABC's moratorium for issuance of off-sale licenses, and

WHEREAS, as a result of the new State law, as mentioned above, the applicants are not able to qualify for a liquor license from the State Department of Alcohol Beverage Control until the City of Modesto makes a determination that the public convenience or necessity would be served by the issuance of the requested off-sale retail liquor license, and

WHEREAS, by letter dated December 6, 1995, from Jagtar S. Uppal and Satnam S. Uppal, an application for such a determination was filed with the City Council of the City of Modesto, and

WHEREAS, said application 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 January 9, 1996 at 4:00 p.m., and

WHEREAS, said matter, by motion, was deferred to the

Community Development and Housing Committee for further analysis,
and

WHEREAS, on February 21, 1996, the Community Development and Housing Committee considered said matter and recommended denial based on the policy criteria, as an undue concentration of licenses has been determined and no significant future growth has, or can, occur in this census tract allowing increased license ratios, thus, the application does not qualify for increased growth potential within the census tract, and

WHEREAS, said application was again 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 27, 1996 at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said application should be denied as recommended by the Committee based on staff recommended policy criteria,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, with respect to subparagraph (3) of Section 23958.4 of the Business and Professions Code, the Council finds that the ratio of off-sale retail licenses to population in the census tract in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in which the applicant premises are located, therefore, the application of Jagtar S. Uppal and Satnam S. Uppal for an off-sale liquor

license for "Pacific Market" located at 131 Colfax Avenue, in the City of Modesto, is hereby denied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

11/16/96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-76

A RESOLUTION DENYING THE APPLICATION OF CHARANJIT S. SANDHU, BALJIT S. SANDHU AND SURJIT S. SANDHU FOR AN OFF-SALE LIQUOR LICENSE FOR "7 STAR FOOD STORE", ON PREMISES LOCATED AT 1525 YOSEMITE BLVD., IN THE CITY OF MODESTO.

WHEREAS, effective January 1, 1995, the Business and Professions Code regulations governing liquor license applications were revised, and

WHEREAS, said new State law mandates that the State Department of Alcohol Beverage Control (ABC) shall automatically deny the applicant's request for an ABC liquor license if, pursuant to Section 23958 of the business and Professions Code, records show an "undue concentration" of liquor licenses exist in the application census tract, or if issuance would create an undue law enforcement problem, and

WHEREAS, that same law (Business and Professions Code Section 23958) allows any denied applicant to apply to the local governmental governing body, and

WHEREAS, the Modesto City Council is the local governmental governing body to whom applicants requesting liquor licenses for premises in the City of Modesto may apply for a determination as to whether the public convenience or necessity would best be served by the issuance of an off-sale retail liquor license at a requested location, and

WHEREAS, Charanjit S. Sandhu, Baljit S. Sandhu, and

Surjit S. Sandhu, hereafter referred to as "Sandhu", filed an application with the Alcohol Beverage Control (ABC) Board for a new license, Type 21, which would allow off-sale privileges for wine, beer and distilled spirits, (the establishment currently has a Type 20 license, which allows off-site sales of beer and wine only), for "7 Star Food Store", located at 1525 Yosemite Boulevard, and the ABC has not approved the application based on "undue concentration" of off-sale licenses within the establishment's census tract, as six licenses are allowed and nine already exist, and

WHEREAS, this application also falls within the ABC's moratorium for issuance of off-sale licenses, and, as a result of the new State law, as mentioned above, the applicants Sandhu are not able to qualify for a liquor license from the State Department of Alcohol Beverage Control until the City of Modesto makes a determination that the public convenience or necessity would be served by the issuance of the requested off-sale retail liquor license, and

WHEREAS, by letter dated December 11, 1995, from applicants Sandhu, an application for such a determination was filed with the City Council of the City of Modesto, and

WHEREAS, said application 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 January 9, 1996 at 4:00 p.m., and

WHEREAS, said matter, by motion, was deferred to the Community Development and Housing Committee for further analysis, and

WHEREAS, City staff agrees with the ABC determination and it has been confirmed that based on the City's proposed criteria, no significant growth can occur within our present City limits, thus, the application does not qualify for increased growth potential within the census tract, and

WHEREAS, after consideration of said matter, the Committee recommended denial based on the policy criteria, and

WHEREAS, said application was again 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 27, 1996 at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said application should be denied,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, with respect to subparagraph (3) of Section 23958.4 of the Business and Professions Code, the Council finds and determines that the public convenience and necessity would not be served by an off-sale retail liquor license being issued by the State Department of Alcohol Beverage Control Board for 7 Star Food Store" located at 1525 Yosemite Boulevard, in the City of Modesto, and the application is hereby denied, as the ratio of

off-sale retail licenses to population in the census tract in which the applicant premises are located exceeds the ratio of off-sale retail licenses to population in the area in which the applicant premises are located.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

2/27

MODESTO CITY COUNCIL
RESOLUTION NO. 96-77

A RESOLUTION GRANTING THE APPLICATION OF THOMAS AND VITA OYLER, AND DETERMINING THAT THE PUBLIC CONVENIENCE OR NECESSITY WOULD BE SERVED BY THE STATE DEPARTMENT OF ALCOHOL BEVERAGE CONTROL BOARD ISSUANCE OF AN OFF-SALE LIQUOR LICENSE FOR "CORNUCOPIA NATURAL FOODS", ON PREMISES LOCATED AT 2625 COFFEE ROAD IN THE CITY OF MODESTO.

WHEREAS, effective January 1, 1995, the Business and Professions Code regulations governing liquor license applications were revised, and

WHEREAS, said new State law mandates that the State Department of Alcohol Beverage Control (ABC) shall automatically deny the applicant's request for an ABC liquor license if, pursuant to Section 23958 of the business and Professions Code, records show an "undue concentration" of liquor licenses exist in the application census tract, or if issuance would create an undue law enforcement problem, and

WHEREAS, that same law (Business and Professions Code Section 23958) allows any denied applicant to apply to the local governmental governing body for a finding of public convenience and necessity, and

WHEREAS, the Modesto City Council is the local governmental governing body to whom applicants requesting liquor licenses for premises in the City of Modesto may apply for a determination as to whether the public convenience or necessity would best be served by the issuance of an off-sale retail liquor

license at a requested location, and

WHEREAS, Thomas and Vita Oyler filed an application with the Alcohol Beverage Control (ABC) Board for a license, Type 20, which would allow the sale of beer and wine for consumption off-site, at the business establishment of "Cornucopia Natural Foods", located at 2625 Coffee Road, and

WHEREAS, the ABC has not approved the application based on the moratorium for these types of licenses, however, in this particular case, the ratio of off-sale licenses is below the quota, and

WHEREAS, as a result of the new State law, as mentioned above, the applicants are not able to qualify for a liquor license from the State Department of Alcohol Beverage Control until the City of Modesto makes a determination that the public convenience or necessity would be served by the issuance of the requested off-sale retail liquor license, and

WHEREAS, an application for such a determination was filed with the City Council of the City of Modesto, and

WHEREAS, said matter was deferred to the Community Development and Housing Committee for further analysis, and

WHEREAS, on February 21, 1996, the Community Development and Housing Committee considered said matter and recommended approval of the application, subject to certain conditions, and

WHEREAS, said application 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 27, 1996, at 4:00 p.m., and

WHEREAS, after hearing evidence both oral and documentary, the Council found and determined that said application should be approved as recommended by the Community Development and Housing Committee, for the following reasons:

1. The business is across Coffee Road from a school and is approximately 450 feet away, it does not face Coffee Road, and the business does not sell the types of products likely to attract students.
2. The recommended conditions to be attached to the license protect the original need and necessity for the application. If the business were to be sold in the future, the location could not re-open as a "new" type of retail alcohol establishment (convenience market, tavern, etc.)
3. This license would only allow sales of organic wines certified by the State. This is an unique type of licensed product, there are very few other locations for citizens to obtain this type of merchandise.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that, with respect to subparagraph (A) of Section 23958.4 of the Business and Professions Code, the Council finds and determines that the public convenience and necessity would be served by an off-sale retail license being issued by the State Department of Alcohol Beverage Control Board to Thomas Oyler and Vita Oyler for the sale of beer and wine at their business establishment, "Cornucopia Natural Foods", located at 2625 Coffee Road, in the City of Modesto, subject to the conditions set forth

on Attachment "A", which Attachment is incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

ATTACHMENT 'A'

CORNUCOPIA NATURAL FOODS
RECOMMENDED SUPPLEMENTAL LICENSE CONDITIONS

- 1) Sales of alcoholic beverages shall be limited to wines certified organic under a State of California approved voluntary certification program. This condition will limit the license in case of a future sale. If the business were to be sold, the original determination of need and necessity for the variance would restrict a new business to sales of only the same products as the original license allowed.
- 2) No wine shall be sold with an alcohol content greater than 15 percent volume.
- 3) No alcoholic beverages shall be sold or delivered except between the hours of 10:00 a.m. and 6:00p.m. daily.
- 4) No outside pay telephone.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-78

A RESOLUTION ACCEPTING TRAFFIC SIGNAL MODIFICATION AT STATE ROUTE 108 (McHENRY AVENUE) AND ORANGEBURG AVENUE PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the traffic signal modification at State Route 108 (McHenry Avenue) and Orangeburg Avenue project, has been completed by Safety Electric Corporation, in accordance with the contract agreement dated February 7, 1995.

NOW, THEREFORE, BE IT RESOLVED that the traffic signal modification at State Route 108 (McHenry Avenue) and Orangeburg Avenue project be accepted from said contractor, Safety Electric Corporation; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$42,073.00 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 February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-79

A RESOLUTION ACCEPTING THE SANITARY SEWER REPLACEMENT - H STREET FROM 9TH STREET TO 19TH STREET PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the sanitary sewer replacement - H Street from 9th Street to 19th Street project, has been completed by Hercules Enterprises, in accordance with the contract agreement dated March 15, 1994.

NOW, THEREFORE, BE IT RESOLVED that the sanitary sewer replacement - H Street to 19th Street project, be accepted from said contractor, Hercules Enterprises; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$304,959.50 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 27th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-80

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF \$8,800.00 TO FULLY FUND THE SANITARY SEWER REPLACEMENT - H STREET FROM 9TH STREET TO 19TH STREET AS COMPLETE

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

FROM: Scenic Lift Station Discharge Line (621 480 D317 6040)	\$8,800
TO: Replace H Street Sewer - 9th to 19th (621 480 D316 6040)	\$8,800

Additional funding is required to cover additional costs as a result of the added staff time necessary to provide inspection coverage at night when the contractor performed his work, and for enforcement of a prevailing wage underpayment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27rd day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-81

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF PARATRANSIT AUTOMATED SCHEDULING SYSTEM (PASS) FOR THE CITY'S DIAL-A-RIDE SERVICE FROM ON-LINE DATA PRODUCTS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Paratransit Automated Scheduling System (PASS) for the City's Dial-A-Ride Service is hereby waived.

BE IT FURTHER RESOLVED that purchase of Paratransit Automated Scheduling System (PASS) for the City's Dial-A-Ride Service from On-Line Data Products for a not to exceed price of \$64,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 96-82**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR A NEW PARATRANSIT AUTOMATED SCHEDULING SYSTEM (PASS).

WHEREAS, the City needs to purchase its own PASS scheduling system to continue automated scheduling of its Dial-A-Ride service. The automated system consists of computer hardware and specialized software. Prior to this the City was able to use the County's automated system, which now must be fully dedicated to the County due to software limitations.

WHEREAS, the total project cost is estimated at \$64,000. Federal funds are expected to cover 80% of the cost (\$51,200). The local match (\$12,800) will be provided by the contingency reserve in fund 652, which is actually Local Transportation Funds.

The following adjustments are necessary:

Public Transit Fund 652-Dial-A-Ride

Fund/Agy/Org		Increase (Decrease)
Expenditures		
652-160-F973-6070	Paratransit Automated Scheduling System	\$64,000
652-800-8000-8003	Contingency Reserve	(\$12,800)
Revenue		
652-510-9510-3604	FTA - Transit Capital Grant	\$51,200

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 February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan,
McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-83

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SIX USED LATE MODEL SEDANS FROM GOLDEN GATE AUTO AUCTION AND/OR BAY CITIES AUTO AUCTION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of six used late model sedans from Golden Gate Auto Auction and/or Bay Cities Auto Auction for the Police Department is hereby waived.

BE IT FURTHER RESOLVED that purchase of six used late model sedans from Golden Gate Auto Auction and/or Bay Cities Auto Auction for a not to exceed price of \$60,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-84

A RESOLUTION APPROVING A POLICY REGULATING THE ISSUANCE OF ALCOHOLIC
BEVERAGE CONTROL LIQUOR LICENSES

WHEREAS, effective January 1, 1995, the Business and Professions Code regulations governing liquor license applications were revised allowing the State Department of Alcohol Beverage Control (ABC) to automatically deny an ABC license applicant, if records show an "undue concentration" of licenses in an affected geographical area; and

WHEREAS, the City Council, as the local governing body, has been given the delegated authority to recommend approval of a liquor license if public convenience or necessity would best be served; and

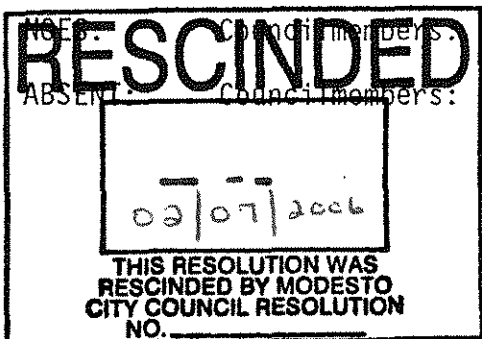
WHEREAS, staff has developed a policy recommendation including a process and criteria for evaluating the applications;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto does hereby adopt the policy entitled, "Criteria for Variance to ABC Standards," marked "Exhibit A", a copy of which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February 1996, by Councilmember McClanahan, 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: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None
ABSENT: Councilmembers: None



2006-79

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

CITY OF MODESTO
CRITERIA FOR VARIANCE TO ABC STANDARDS
APPLICATION INSTRUCTION SHEET

1. Submit a completed copy of this application to City Clerk. Filing fees must be included with application:

New site application fee:	\$1,000.00
Change of Ownership:	\$500.00

2. Include with application six (6) copies of completed and filed ABC application.
3. Include with application six (6) copies of a site plan and area location map depicting the layout, precise location and pertinent surroundings.
4. City staff will review application for completeness. Applicant will be notified by City of hearing date before the Hearing Officer.
5. Hearing Officer will make written determination within 10 working days.
6. Hearing Officer determination is final unless appeals are submitted to City Council in writing within 15 working days. Appeal fee must be paid to City Clerk prior to Council meeting.

Appellate fee: \$100.00

7. The following conditions and criteria for license application appeals should be reviewed prior to filling out and submitting the application. These conditions are the governing criteria for determination of whether an appeal has merit. If the applicant decides that their application satisfies these conditions, then proceeding with the completing and submitting of the application package would be the next step.

NEW LOCATION LICENSES

- 1) The grounds for granting a variance to ABC standards for a new location shall be a finding that additional residential growth has occurred since the last census or is projected to occur within the next 12 months, such that ABC standards for concentration will not be exceeded within the census tract.

- 2) In addition, no variance will be granted for any license that:
 - A) Is regulated under the current Beer and Wine moratorium, as per Section 23817.5 of the ABC Control Act.

 - B) Is within 600 feet of any City community or neighborhood park or any school with an enrollment of at least 100 students.

- 3) Report of findings and recommendation will be completed by City staff. Based on the information set forth in the staff report, the Hearing Officer may deny the application or impose conditions upon approval in order to protect the public health, safety or welfare.

TRANSFER OF LICENSES AT or TO EXISTING LOCATIONS

Definition of a "transfer" location:

- Proposed site has had an active license within the preceding 12 months.
or
- Proposed site has had an active license for at least 36 of the last 60 months.

* Any changes to the license type shall be deemed the same as applying for a new license.

HEARING DATE: _____

HEARING OFFICER: _____

HEARING DETERMINATION:

2. Is the license of a specialized type which is otherwise under served in the vicinity?

3. State why you believe there is a "need and necessity" for the proposed license which should override the State ABC regulations.

APPLICANT _____ DATE _____

ARE YOU THE OWNER OF THE PROPERTY FOR WHICH THE LICENSE IS BEING APPLIED FOR? PLEASE CIRCLE: YES NO

IF NOT, PROPERTY OWNER SIGNATURE REQUIRED:

Signature

Printed Name

Address and Daytime Phone

ADDRESS OF PROPERTY PROPOSED FOR LICENSE _____

NEW LOCATION

TRANSFER OF OWNERSHIP
AT LOCATION

D. SPECIFIC TYPE OF ABC LICENSE APPLIED FOR: _____

(Example: Type 20)

In general, the City will only consider applications for which a "need and necessity" for the variance can be shown. This "need and necessity" must be based on specific factual information. Your response to the following questions will assist in making this determination.

1. Are there specific circumstances relating to the specific location proposed which have the effect of reducing the over concentration findings? For instance, is the census tract in which the proposed license is located currently undergoing significant growth?

CITY OF MODESTO
APPLICATION FOR VARIANCE TO ABC STANDARDS
(FINDINGS OF NEED AND NECESSITY)

A. FILING REQUIREMENTS

- 1. Filing fee. Check payable to City of Modesto
(see adopted fee schedule)
- 2. Six (6) copies of site plan and area location map depicting the layout,
precise location and location of the surrounding context.
- 3. Six (6) copies of the completed, filed ABC application for the site with
evidence of denial by ABC pending local findings.
- 4. Completed copy of this form.

B. PROCESS

When application is filed, City staff will review for completion. Once deemed complete, application will be reviewed by City departments and a hearing date set. Applicant will be notified of hearing date before the Hearing Officer. At the hearing, the Hearing Officer will receive testimony and will render a decision within 10 days, in writing. This action is final unless applicant appeals to the City Council via the City Clerk in writing within 15 days.

C. APPLICANT INFORMATION (please print or type)

Business Name: _____ Applicant Name _____

Business Address: _____ Applicant Address _____

Telephone No. _____ Home Phone No. _____

CRITERIA FOR TRANSFER OF LICENSE

- 1) Transfers can be approvable where they do not result in an over concentration exceeding 150% of ABC standards.

- 2) No variance shall be granted for transfer of any license that:
 - A) Is regulated under the current Beer and Wine moratorium, as per Section 23817.5 of the ABC Control Act.

 - B) Is within 300 feet of any City neighborhood or community park or any school with an enrollment of at least 100 students.

- 3) Report of findings and recommendation will be completed by City staff. Based on the information set forth in the staff report, the Hearing Officer may deny the application or impose conditions upon approval in order to protect the public health, safety or welfare.

CONDITIONS

Variances to ABC regulations will typically be conditional. Conditions shall remain attached to the license in the event of any type of transfer. Following are some examples of possible conditions which may be attached:

SITE LIGHTING SIGNAGE

NOISE RESTRICTIONS SECURITY GUARDS

LIMITATIONS ON LICENSE PRIVILIGES

MODESTO CITY COUNCIL
RESOLUTION NO. 96-85

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER ESTABLISHING FEES ASSOCIATED WITH THE APPEAL PROCESS FOR ALCOHOLIC BEVERAGE CONTROL LIQUOR LICENSES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Tuesday, March 12, 1996, at 4:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of establishing fees associated with the appeal process for Alcoholic Beverage Control Liquor Licenses.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

14

MODESTO CITY COUNCIL
RESOLUTION NO. 96-86

A RESOLUTION REVISING THE POLICY FOR INVESTMENT OF PUBLIC FUNDS

WHEREAS, the City Council adopted a formal investment policy in September, 1984, and

WHEREAS, State legislation went into effect on January 1, 1996, which imposed new reporting and administrative standards for treasury management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto does hereby adopt the revised policy entitled, "Investment of Public Funds," marked "Exhibit A", a copy of which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

"EXHIBIT A"

*****DRAFT INVESTMENT POLICY - PROPOSED CHANGES IN BRACKETS*****

PURPOSE

The purpose of this document is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment policy and to organize and formalize investment-related activities.

BACKGROUND

Under Section 2-3.401 of the Municipal Code, it is the function of the Finance Department to deposit and invest funds in accordance with sound treasury management. As a charter city, Modesto operates its pooled idle cash investment under the "prudent investor" rule which states that:

"Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not of speculation, but for investments, considering the probable safety of their capital as well as the probable cause to be derived."

The City is also governed by Sections 53600 et seq. of the California Government Code. This affords the City a broad spectrum of investment opportunities, so long as the investment is deemed prudent and allowable under current legislation of the State of California and the charter of the City of Modesto.

[On an annual basis, the Finance Director/Treasurer will render to the City Council the statement of investment policy. The report will be considered, with any changes, by the City Council at a public meeting.]

[INVESTMENT REPORT]

[The Finance Director/Treasurer shall render a quarterly report to the City Council and City Manager within 30 days following the end of the quarter. The report shall contain the following:]

- [1. The type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and monies.]
- [2. The weighted average maturity of the portfolio.]
- [3. A description of any funds, investments or programs that are under management of contracted parties, including lending programs. Funds and investments held by contracted parties shall be reported at market value and the source of valuation shall be reported.]
- [4. The market value as of the date of the report, and the source of the valuation.]

[5. A statement of compliance with the investment policy or manner in which the portfolio is not in compliance.]

[6. A statement denoting the City's ability to meet its expenditure requirements for the next six months or provide an explanation as to why sufficient money shall, or may, not be available.]

INVESTMENT CRITERIA

Public funds are invested in the following manner in order of priority:

1. Safety of Principal

The duty of the Finance Director/Treasurer is to protect, preserve and maintain cash and investments on behalf of the citizens of the community. To guard against loss of principal, only prudent and safe investments will be considered.

2. Liquidity

The receipt of revenues and maturities of investments should be scheduled so that adequate cash will be available to meet disbursements. An adequate portion of the portfolio should be maintained in liquid short-term instruments which can be readily converted to cash if necessary.

3. Yield

Yield is the potential dollar earnings, or rate of return, an investment can provide. Yield becomes a consideration only after the basic requirements of safety and liquidity have been met.

AUTHORIZED INVESTMENTS

Commencing with Section 53601 of Article 1, Chapter 4 of the Government Code of the State of California, surplus money may be invested in the following:

- A. Bonds issued by the City.
- B. United States Treasury notes, bonds, bills or certificates of indebtedness or those for which the faith and credit of the United States are pledged for the principal and interest.
- C. Registered State of California warrants, treasury notes or bonds.
- D. Bonds, notes, warrants or other evidence of indebtedness of any local agency within California.
- E. Obligations issued by a federal agency or United States government-sponsored

enterprise.

F. Bills of exchange or time drafts (bankers acceptances) drawn on and accepted by a commercial bank.

G. Commercial paper of "prime" quality.

H. Certificates of deposit (CD) and negotiable certificates of deposit (NCD) issued by a nationally or state-chartered bank or a state or federal association or a state-licensed branch of a foreign bank.

I. Investment in repurchase agreements or reverse repurchase agreements of any authorized securities.

J. Medium-term corporate notes of a maximum of five years maturity issued by corporations operating within the United States.

K. Shares of beneficial interest issued by diversified management companies as defined in Section 23701(m) of the Revenue and Taxation Code. (Mutual funds)

L. State of California Local Agency Investment Fund (LAIF).

M. Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable-backed bond of a maximum of five years maturity.

Detailed descriptions of investment instruments and terms are provided in Appendix A - Glossary.

AUTHORIZED INVESTMENT PERSONNEL

Idle cash management and investment transactions are the responsibility of the Finance Department, which is under the control of the Finance Director/Treasurer. The Financial/Investment Officer, who is accountable to the Finance Director/Treasurer, is responsible for the daily management of the City's portfolio of treasury investments. The Financial/Investment Officer also monitors and forecasts the City's cash flows, and prepares periodic investment reports that are submitted to the City Council. A Senior Accountant from the Accounting Division of the Finance Department monitors all treasury transactions and prepares accounting records of all investment transactions as to type of investment, amount, yield, and maturity.

The Finance Director/Treasurer or designee is authorized to make all investment transactions allowed by the Investment Policy. The Finance Director/Treasurer may authorize the Financial/Investment Officer to enter into investments within specified parameters. No other person has authority to make investment transactions without the written authority of the Finance Director/Treasurer. [Pursuant to Government Code chapter 53600, all persons investing monies

are trustees and therefore fiduciaries subject to the prudent investor standard.]

As part of each year's financial audit of the City, the external auditors shall review the Authorized Investment Personnel arrangement, and convey to the City Council any problems or recommended changes therein.

RESTRICTIONS SET BY GOVERNMENT CODE

[A. General]

[Maximum maturity of an authorized investment is limited to five years.]

[Proceeds of sales or funds set aside for the repayment of any notes (e.g., Tax and Revenue Anticipation Notes) shall not be invested for a term that exceeds the term of the notes.]

[Investment in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages is prohibited.]

[Investment in any security that could result in a zero interest accrual if held to maturity is prohibited.]

[B]A. Bankers Acceptance (Bills of Exchange or Time Drafts)

Required to be eligible for purchase by the Federal Reserve System.

Must not exceed 270 days maturity.

Must not exceed 40% of the City's surplus funds. No more than 30% of the City's surplus funds can be invested in the Bankers Acceptance of any one commercial bank.

[C]B. Commercial Paper

Must be "prime" quality of the highest ranking as provided by Moody's Investment Service, Inc. or Standard and Poor's Corporation (A-1, P-1).

Limited to issuing corporations that are organized and operating within the United States with total assets in excess of \$500,000,000.

Must not exceed 180 days maturity.

Must not represent more than 10% of the outstanding paper of an issuing corporation.

Must not exceed 15% of the City's surplus funds.

May invest an additional 15% if the dollar-weighted average maturity of the entire amount of commercial paper outstanding does not exceed 31 days.

[D]C. Certificates of Deposit

Require 110% government security collateralization by the institution.

[E]D. Negotiable Certificates of Deposit

Must not exceed 30% of the City's surplus funds.

[F]E. Repurchase Agreements

Must not exceed 365 days maturity.

[Market value of collateral shall be 102 percent of the funds borrowed against those securities, adjusted at least on a quarterly basis.]

[G]F. Reverse Repurchase Agreements

Require prior approval of the City Council.

[Must not exceed 20% of the City's surplus funds.]

[Security must have been held for a minimum of 30 days.]

[Term must not exceed 92 days unless the agreement matches a matching codicil guaranteeing a minimum earning spread.]

[H]G. Medium Term Corporate Notes

Notes must be rated in the top three rating categories by two of the three largest nationally recognized rating agencies.

Issuer must be organized and operating within the U.S. or be a depository institution licensed by the U.S. or any state and operating within the U.S.

Must not exceed 30% of the City's surplus funds.

[I]H. Diversified Management Companies (Mutual Funds)

Fund must be rated in the top three rating categories by two of the three largest nationally recognized rating agencies.

Must not exceed 15% of the City's surplus funds.

RESTRICTIONS SET BY THE FINANCE DIRECTOR/TREASURER

A. Prior approval of the Finance Director is required for the following transactions:

- Sale of securities
- Swaps and trades
- Purchase of collateralized mortgage obligations (CMO)
- Purchase of mortgage-backed obligations
- Purchase transaction in excess of \$3 million

B. The following investments are not deemed appropriate for the City and will not be utilized:

[Delete because prohibited by new State legislation: Derivatives that have the possibility of returning no yield (detailed in Appendix A)]

- Futures and options
- Small Business Administration notes

APPENDIX A - GLOSSARY

Bankers Acceptances (BAs)

Bankers Acceptance is a time bill of exchange drawn on and accepted by a commercial bank to finance the exchange of goods. When a bank "accepts" such a bill, the time draft becomes, in effect, a predated certified check payable to the bearer at some future specified date. Little risk is involved for the investor because the commercial bank assumes primary liability once the draft is accepted.

Certificates of Deposit (CDS)

A certificate of deposit is issued against funds deposited in a commercial bank for a definite period of time and earning a specified rate of return. They are issued in two forms, negotiable and non-negotiable:

A **negotiable certificate of deposit** may be sold by one holder to another prior to maturity. This is possible because the issuing bank agrees to pay the amount of the deposit, plus earned interest, to the Bearer of the certificate at maturity.

A **non-negotiable certificate of deposit** is collateralized and is not a money market instrument since it cannot be traded in the secondary market. It is issued on a fixed maturity basis and often pays a higher interest rate than is permissible on other savings or time deposit accounts.

Collateralized Mortgage Obligation (CMO)

A CMO is a pool of mortgages sold as a single investment with interest paid monthly, quarterly, or semi-annually. Mortgage securities pay a higher rate than U.S. Treasury securities due to risk of prepayment and default.

Commercial Paper (CP)

This is a short-term promissory note issued by a corporation to raise working capital. The interest rates tend to be higher than other investments of similar liquidity.

Derivatives

A financial instrument with a value derived from the value of one or more underlying assets or indexes of asset values. The term "derivative products" refers to instruments or features such as collateralized mortgage obligations (CMOs), interest-only (IOs) and principal-only (POs), forwards, futures, currency and interest rate swaps, options, floaters/inverse floaters, and caps/floors/collars.

Federal Agency Securities

Certain agencies created by Congress and sponsored by the federal government issue debt that is considered to be of prime quality and have a very high standing in the bond market. The major federal agencies are described as follows:

Federal National Mortgage Association (FNMA, "Fannie Mae") provides funds to the mortgage market primarily by purchasing loans from local lenders.

Federal Home Loan Mortgage Corporation (FHLMC, "Freddie Mac") purchases conventional mortgages and sells mortgage-backed securities.

Student Loan Marketing Association (SLMA, "Sallie Mae") facilitates that flow of private capital into various federally-guaranteed student loan programs maintained through banks, S&Ls, educational institutions and other participating lenders.

Federal Farm Credit System (FFCB) sells securities to provide mortgage loans and short-term and intermediate-term credit to farmers, ranchers, and agricultural cooperatives.

Federal Home Loan Bank (FHLB) acts as a credit reserve system for the thrift industry to stabilize the flow of funds to member savings and loan and savings banks.

Futures

Exchange traded contracts specifying a future date of delivery or receipt of a specific product (physical commodity or financial instrument). Futures are used by business as a hedge against

unfavorable price changes, and by speculators who hope to profit from such changes.

Local Agency Investment Fund (LAIF)

State of California LAIF is designed to provide a convenient and safe means of investing temporarily idle monies by the State Treasurer. LAIF provides high liquidity and generally pays higher yields than can be realized by individual local agencies (for similar maturities) due to economies of scale.

Medium-Term Notes

Issued by corporations (in the form of secured or unsecured debt) for the purpose of raising working capital and purchasing capital assets.

Options

A right to buy (call) or sell (put) a fixed amount of a given stock at a specified price within a limited period of time. The purchaser hopes that the stock's price will go up (if he bought a call) or down (if he bought a put) by an amount sufficient to provide a profit when he sells the option. If the price is static or moves in the opposite direction, the price paid for the option is lost entirely.

Repurchase Agreement

As authorized in Government Code Section 53601(I), these investment vehicles are (generally short-term) agreements between the local agency and seller for the purchase of Government securities to be resold at a specific date and for a specific amount.

Reverse Repurchase Agreement

This transactions is the opposite of a repurchase agreement. The dealer buys securities with a contractual agreement to sell them back at a prearranged date. The local agency pays the dealer interest for the use of the funds. The money "borrowed" on a "reverse repo" can be reinvested in higher yielding instruments.


U.S. Treasury Securities

The highest quality, most liquid debt investments available in the fixed income market-place; unconditionally backed by the "full faith and credit" of the U.S. Government. Treasury bills are short-term instruments (maturity of three months to one year); Treasury notes and bonds are currently issued with maturities of two to ten years.

Clerk

RESCINDED
2000-10
THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. _____

MODESTO CITY COUNCIL
RESOLUTION NO. 96-87

A RESOLUTION ESTABLISHING ANGLE PARKING IN
THE CITY OF  DESTO AND RESCINDING RESOLUTION
NO. 92-684.

WHEREAS, Chapter 2 of Title III of the Modesto
Municipal Code authorizes the City Council, by resolution, to
establish angle parking in the City of Modesto.

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

SECTION 1. ANGLE PARKING. Angle parking is hereby
established at the following locations:

Angle Parking:

Portions of 10th Street, between I & K Streets (west
side) (diagonal)

18th Street, between G and H Streets (west side)
(diagonal)

F Street, between 10th and 11th Streets (south side)
(diagonal)

I Street, between 9th and 12th Streets (both sides)
(diagonal)

P Street, between 9th and Needham Streets (both sides)
(diagonal)

Coldwell Avenue, between Tully Road and College Avenue

4th Street, between E Street and G Street (west side)

16th Street, between I Street and J Street (east side)

Elm Street, between Jefferson and Washington Streets
(diagonal)

Jefferson Street, between 8th and Laurel Streets
(diagonal)

SECTION 2. The Public Works and Transportation Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 92-684 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 96-88

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
MODIFY AND EXECUTE LOAN DOCUMENTS FOR
PARTICIPANTS OF THE CITY'S REHABILITATION
PROGRAMS RECEIVING FINANCIAL ASSISTANCE
THROUGH THE HOUSING AND NEIGHBORHOODS
DIVISION.

WHEREAS, Subsection (q) of Section 801 of Article VIII
of the Charter of the City of Modesto empowers the City Manager
to sign all contracts, deeds and other documents on behalf of the
City when authorized to do so by the Council or by the Charter,
and

WHEREAS, the Housing Rehabilitation Loan Committee
(hereafter referred to as "HRLC") consists of qualified and
experienced members, and because the HRLC is guided by loan
underwriting criteria contained in the Community Development
Program Policy and Procedures Manual, City staff believes a more
streamlined approach to approval for executing loan documents
would be more efficient, and

WHEREAS, City staff has recommended authorizing the
City Manager to execute loan documents for rehabilitation
projects receiving financial assistance through the Housing and
Neighborhoods Division and upon recommendation of the HRLC, and

WHEREAS, City staff also recommends that semi-annual
reports of loans approved during the applicable semi-annual
period should be submitted to the City Council for informational
purposes, and

WHEREAS, City staff has also recommended that the City Manager be authorized to modify the standard form loan documents,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to modify and execute loan documents for rehabilitation projects receiving financial assistance through the City's Housing and Neighborhoods Division, provided that all said documents have been reviewed and approved as to form by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-89

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A PURCHASE OFFER IN THE AMOUNT OF \$15,052.75 TO STANISLAUS COUNTY FOR TAX DEFAULTED PROPERTIES FOR USE AS AFFORDABLE HOUSING

WHEREAS, Subsection (q) of Section 801 of Article VIII of the Charter of the City of Modesto empowers the City Manager to sign all contracts, deeds and other documents on behalf of the City when authorized to do so by the Council or by the Charter, and

WHEREAS, Division 1, Section 6, Chapter 8 of the Revenue and Taxation Code allows the City or non-profit agencies to purchase tax defaulted properties that are five years delinquent on their taxes from the County for the amount of the delinquent taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to submit a purchase offer to Stanislaus County for tax defaulted properties shown on "Exhibit A" which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the execution of said purchase offer by the designated 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 February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly

seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

EXHIBIT 'A'

<u>Description</u>	<u>First Year Delinquent</u>	<u>Default Number</u>	<u>Purchase Price</u>
416 Thrasher Ave. #035-3926-121	89-90	10763	\$3,555.53
1515 Larkin Ave. #035-4239-101	89-90	10766	\$4,943.39
2213 Monte Carlo Ave. #059-1015-101	89-90	11822	\$5,344.79
2309 Chrysler Dr. #005-6425-161	89-90	12890	\$1,209.04

llh

MODESTO CITY COUNCIL
RESOLUTION NO. 96-90

A RESOLUTION ADOPTING REVISED CEQA PROCEDURES
AND RESCINDING RESOLUTION NO. 91-713.

WHEREAS, Sections 21000 et seq. of the California Public Resources Code, as amended, are known as the California Environmental Quality Act (CEQA), and

WHEREAS, Section 21082 of CEQA requires all public agencies to adopt procedures for evaluation of projects and the preparation of environmental impact reports and negative declarations, and

WHEREAS, Section 21083 of the CEQA requires the State Office of Planning and Research to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and Section 21087 requires the ongoing review and amendment and timely distribution of said CEQA Guidelines to local agencies, and

WHEREAS, Section 15022(d) of the CEQA Guidelines allows the adoption of Public Agency Implementing Procedures through the incorporation by reference of the CEQA Guidelines, and

WHEREAS, City Council Resolution No. 91-713 was adopted on November, 19, 1991, for the purpose of Adopting Guidelines and Establishing Procedures to Implement the California Environmental Quality Act, and

WHEREAS, City staff has recommended the adoption of revised CEQA procedures in order to bring the City's CEQA process

up to date with the General Plan Update and Master Environmental Impact Report adopted by the Council on August 15, 1995, as well as to take advantage of the State's CEQA update process,

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

SECTION 1. The provisions of this resolution shall rescind the provisions of Council Resolution No. 91-713.

SECTION 2. As provided by State CEQA Guidelines, Section 15022 (d), the State CEQA Guidelines are hereby incorporated by reference in their entirety, as they may be amended from time to time by the State of California. There are no special procedures or provisions necessary to tailor the general provisions of the Guidelines to the operations of the City of Modesto.

SECTION 3. The Community Development Department Director is hereby designated as the City's Environmental Review Officer, and may assign staff as necessary to carry out the City's environmental review responsibilities.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan,
McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-91

A RESOLUTION AUTHORIZING BUY-OUT NEGOTIATION WITH ADVANTA LEASING COMPANY FOR THE PURCHASE OF COMMERCIAL KITCHEN EQUIPMENT, CURRENTLY LEASED BY R&C FOODS, CREEKSIDE GOLF COURSE CONCESSIONAIRE

WHEREAS, R&C Foods is currently under a five-year contractual agreement with the City of Modesto through August 6, 1996, to provide a food and beverage concession at the Creekside Golf Course, and

WHEREAS, R & C Foods is currently involved in bankruptcy proceedings, and

WHEREAS, it is desirable to provide continued food and beverage customer service at the Creekside Golf Course.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the buy-out negotiation, open until February 29, 1996, with Advanta Leasing Company, for the purchase of commercial kitchen equipment, currently leased by R&C Foods, for the sum of \$15,518.54, with the contingency that Advanta Leasing Company release Ray and Christine Olsen, dba R&C Foods, and co-signers from any and all obligations and liabilities on the lease is hereby authorized.

BE IT FURTHER RESOLVED that the execution of said negotiated 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 February, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk
27

MODESTO CITY COUNCIL
RESOLUTION NO. 96-92

A RESOLUTION APPROVING THE FINAL MAP OF THE
WINDSONG RANCH SUBDIVISION OF THE CITY OF
MODESTO.

WHEREAS, Arlo F. Hilkey and Marvene L. Hilkey, are
possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 2.03 acres, known as the
Windsong Ranch Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the Planning Commission of the City of Modesto on the 22nd day of
January, 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 Windsong Ranch 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 27th day of February, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-93

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF SECURITY CHAIN LINK FENCING AND INSTALLATION AT THE WASTEWATER TREATMENT PLANT

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

SECTION 1. The specifications for the purchase of security chain link fencing and related installation at the City of Modesto Waste Water Treatment Plant located at 1221 Sutter Avenue, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 26, 1996, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-94

A RESOLUTION REJECTING BIDS RECEIVED FOR FURNISHING MINI-VANS AND CARGO VANS RECEIVED AND OPENED IN THE OFFICE OF THE CITY CLERK ON NOVEMBER 27, 1995, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 95-519, adopted by the Council of the City of Modesto on November 7, 1995, approved the specifications for furnishing new utility vehicles; and

WHEREAS, the bids received for furnishing new utility vehicles were opened at 11:00 a.m. on November 27, 1995;

WHEREAS, due to a change in Industry specification requirements, the mini-vans and cargo vans were "no bid" by all responding bidders.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that all bids received for mini-vans and cargo vans, opened in the office of the City Clerk on November 27, 1995, are hereby rejected.

BE IT FURTHER RESOLVED that a new call for bids for furnishing mini-vans and cargo vans to be opened March 19, 1996, at 2:05 p.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1996, by Councilmember McClanahan who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-95

A RESOLUTION ACCEPTING THE BID G.C.S. INC. FOR FURNISHING ONE NEW STREET
SWEEPER

WHEREAS, Resolution No. 95-517, adopted by the Council of the City of Modesto on November 7, 1995, approved the specifications for furnishing various heavy equipment; and

WHEREAS, the bids received for the heavy equipment, were opened at 11:00 a.m. on November 29, 1995, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of G.C.S., Inc. for the total amount of \$57,835.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of G.C.S., Inc., 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 5th day of March, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-96

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH BRADY AND ASSOCIATES FOR PREPARATION OF A SPECIFIC PLAN AND FOCUSED ENVIRONMENTAL IMPACT REPORT, TO DEVELOP A BUSINESS PARK IN THE KIERNAN-PELANDALE CORRIDOR

BE IT RESOLVED by the Council of the City of Modesto that the amenment to the agreement between the City of Modesto and Brady and Associates for preparation of a Specific Plan and Focused Environmental Impact Report, to develop a Business Park in the Kiernan-Pelandale Corridor, be and it is hereby resolved.

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 March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-97

A RESOLUTION APPOINTING MAYOR RICHARD A. LANG, COUNCILMEMBER KENNI FRIEDMAN, COUNCILMEMBER JANINE MCCLANAHAN, AND COUNCILMEMBER GERALD MCKINSEY TO THE MODESTO IRRIGATION DISTRICT DOMESTIC WATER POLICY BOARD

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

SECTION 1. Mayor Richard A. Lang, Councilmember Kenni Friedman, Councilmember Janine McClanahan, and Councilmember Gerald McKinsey are hereby appointed to the Modesto Irrigation District Domestic Water Policy Board.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Modesto Irrigation District Domestic Water Policy Board and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1996 by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-98

A RESOLUTION APPOINTING MAYOR RICHARD A. LANG AND COUNCILMEMBER GERALD MCKINSEY TO THE STANISLAUS WASTE-TO-ENERGY FINANCING AGENCY AND COUNCILMEMBER STAN DOBBS AS AN ALTERNATE MEMBER

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

SECTION 1. Mayor Richard A. Lang and Councilmember Gerald McKinsey are hereby appointed to the Stanislaus Waste-to-Energy Financing Agency, and Councilmember Stan Dobbs is hereby appointed as an alternate member.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Stanislaus Waste-to-Energy Financing Agency and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1996 by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-99

A RESOLUTION APPOINTING KENNETH WILLIAMS TO CITY OF MODESTO BOARD OF BUILDING APPEALS

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

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

SECTION 1. Kenneth Williams is hereby appointed to the Modesto Board of Building Appeals.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Modesto Board of Building Appeals and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1996, 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, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-100

A RESOLUTION APPOINTING MICHAEL PRATT TO CITY OF MODESTO PLANNING COMMISSION

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

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

SECTION 1. Michael Pratt is hereby appointed to the Modesto Planning Commission.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of March, 1996, 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:

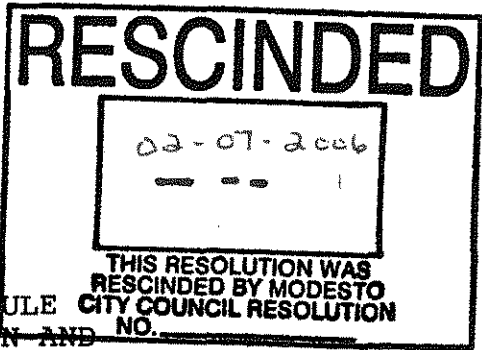
AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Link 2



MODESTO CITY COUNCIL
RESOLUTION NO. 96-101

A RESOLUTION IMPLEMENTING A FEE SCHEDULE ASSOCIATED WITH THE PERMIT APPLICATION AND APPEALS PROCESS IN RELATION TO ABC LIQUOR LICENSES.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 2006-80

WHEREAS, effective January 1, 1995, the Business and Professions Code regulations governing liquor license applications were revised, allowing the State Department of Alcohol Beverage Control (ABC) to deny an ABC license applicant, if records show an "undue concentration" of licenses in an affected geographical area, and

WHEREAS, certain types of applications which have not been approved by the Alcohol Beverage Control (ABC) board are now delegated to the City Council, as the local governing body, to consider recommending approval of ABC licenses, "if public convenience or necessity would best be served", and

WHEREAS, City staff has developed a policy and the Community Development and Housing Committee recommended approval of said policy, entitled "Criteria for Variance to ABC Standards", and said policy was approved by Council Resolution No. 96-84, on February 27, 1996, and

WHEREAS, said policy includes conditions and criteria for evaluation of the permit applications and the appeal process, including proposed fees to cover staff costs associated with such reviews, and

WHEREAS, by Resolution No. 96-85, adopted on February 27, 1996, the Council set Tuesday, March 12, 1996, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, as the time and place for consideration of establishing fees associated with the permit application and appeals process in relation to the ABC liquor licenses, and

WHEREAS, on March 12, 1996, the City Council considered the City staff report and fee analysis for ABC liquor license applications and appeals, which report recommended approval of a fee schedule associated with the permit application and appeals process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following fees associated with the permit application and appeals process in relation to ABC liquor licenses are hereby approved:

- | | |
|--|------------|
| 1) New site application fee | \$1,000.00 |
| 2) Change of ownership application fee | \$ 500.00 |
| 3) City Council appellate fee | \$ 100.00 |

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 96- 102**

**A RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY
EMINENT DOMAIN TO PROVIDE DRAINAGE FOR THE ENCINA/SEVERIN
INTERSECTION, A MUNICIPAL PURPOSE**

WHEREAS, a hearing was set for the Council of the City of Modesto to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 12, 1996, the Council held a hearing in the City Council Chambers, City Hall, 801 Eleventh Street, Modesto, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for purposes of the installation and maintenance of the Encina storm drain line.

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

1. The public interest and necessity require said project and require the acquisition of said real property for the purpose stated.
2. The taking of real property for municipal purposes by eminent domain proceedings is authorized by Government Code Sections 37350, 37350.5, 37351, 39792 and 40404; by Code of Civil Procedure Sections 1240.050, 1240.110(a), 1240.125, 1240.510 and 1240.610; and by Article I, Section 19 of the California Constitution. The property is being acquired to provide drainage for the Encina/Severin Intersection.
3. The proposed project is planned and located in a manner which will be compatible with the greatest public good and the least private injury.
4. The offer required by Section 7267.2 of the Government Code has been

made to the owner or owners of record, or the offer has not been made because the owner or owners cannot be located with reasonable diligence.

5. The real property, which is hereinafter described in the legal description, marked Exhibit "A", attached hereto and made a part hereof as though contained in full herein, is necessary for the proposed project.

BE IT FURTHER RESOLVED that the City Attorney be, and is hereby authorized and directed to commence and maintain in the name of the City of Modesto, such actions and proceedings of eminent domain in the Superior Court of California, County of Stanislaus, including acquiring immediate possession, as is necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and within the City of Modesto, State of California, more particularly described in said Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, 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:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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

APPROVED AS TO DESCRIPTION

By 
Public Works and Transportation
Department - Engineering

ENCINA STORM DRAIN
EASEMENT FOR STORM DRAINAGE
APN 34-13-06

Recording Requested by
City of Modesto

When Recorded Mail To:
City of Modesto
City Clerk
P. O. Box 642
Modesto, CA 95353

EASEMENT DEED
Individual

JOSEPH N. SCIABICA and GEMMA S. SCIABICA, husband and wife as community property and DANIEL R. SCIABICA and NICHOLAS SCIABICA

GRANT to the CITY OF MODESTO, a municipal corporation, an easement for storm drainage 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 real property in the State of California, County of Stanislaus, City of Modesto, described as follows:

All that portion of the Southeast quarter of the Northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

EASEMENT NO. 1

A 20 foot wide storm drainage easement, the centerline of which is more particularly described as follows:

COMMENCING at a point on the East line of the West one-half of the Southeast quarter of the Northwest quarter of said Section 27, said line being the East line of the Sciabica property as described in a deed recorded December 17, 1991, as Instrument 099172, Stanislaus County Records, and said line being the West line of the Park Oaks Subdivision, as shown in Volume 32 of Maps, at Page 65, Stanislaus County Records, and said point being the Southwest corner of said Park Oaks Subdivision; thence South 0° 33' 16" East, along said property line, a distance of 0.5 feet, to the true point of beginning of this description; thence North 89° 55' 32" West, 656.72 feet, to the West line of said Sciabica property and the end of this description.

EASEMENT NO. 2

A 10 foot wide storm drainage easement, the centerline of which is more particularly described as follows:

Page 2 of 2 Pages

ENCINA STORM DRAIN
EASEMENT FOR STORM DRAINAGE
APN 34-13-06

COMMENCING at a point on the East line of the West one-half of the Southeast quarter of the Northwest quarter of said Section 27, said line being the East line of the Sciabica property as described in a deed recorded December 17, 1991, as Instrument 099172, Stanislaus County Records, and said line being the West line of the Park Oaks Subdivision, as shown in Volume 32 of Maps, at Page 65, Stanislaus County Records, and said point being the Southwest corner of said Park Oaks Subdivision; thence South 0° 33' 16" East, along said property line a distance of 0.5 feet; thence North 89° 55' 32" West, along the centerline of an existing storm drain line, 362.5 feet, to an existing vent pipe and the true point of beginning of this description; thence South 0° 14' 44" West, 35.91 feet, to the North right of way line of 60 foot wide Encina Avenue and the end of this description.

JOSEPH N. SCIABICA

DANIEL R. SCIABICA

Dated _____

GEMMA S. SCIABICA

NICHOLAS SCIABICA

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 _____

By _____
City Engineer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-103

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
FURNISHING RECYCLED JANITORIAL PAPER PRODUCTS

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

SECTION 1. The specification for the furnishing recycled janitorial paper products, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 3, 1996, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-104

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE
PURCHASE OF A HYDRAULIC DIGGER DERRICK TRUCK

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

SECTION 1. The specifications for the purchase of a hydraulic digger derrick truck, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 3, 1996, at 2:00 p.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clark (7)

MODESTO CITY COUNCIL
RESOLUTION NO. 96-105

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE
A REQUEST FOR PROPOSALS FOR THE
REMOVAL/BENEFICIAL REUSE OF PRIMARY PLANT
WASTEWATER BIOSOLIDS.

WHEREAS, the as part of its ongoing operations at the Primary Wastewater Treatment Plant on Sutter Avenue, the Public Works and Transportation Department is requesting that a new contract be issued for removal/beneficial reuse of Primary Plant wastewater biosolids, and

WHEREAS, sun-drying and beneficial reuse of biosolids is necessary to avoid a \$2 million in annual operating expense,

WHEREAS, the current 3-year contract for removal/beneficial reuse expires on June 30, 1996, and to continue the beneficial reuse program, a request for proposal for the new contract must be released,

WHEREAS, City staff has recommended that the Council authorize City staff to issue a request for proposals from qualified contractors to be opened on April 9, 1996, at 2:00 p.m., for the removal/beneficial reuse of Primary Plant wastewater biosolids,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals from qualified contractors to be opened on April 9, 1996, at 2:00 p.m., for the removal/beneficial reuse of Primary Plant wastewater biosolids.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-106

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE UTILITY TRUCK FROM COUNTRY FORD TRUCKS

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of one utility truck is hereby waived.

BE IT FURTHER RESOLVED that purchase of one utility truck from Country Ford Trucks for a total cost of \$32,323.10 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-107

A RESOLUTION ACCEPTING THE HANDICAP RESTROOM REMODEL PROJECT AT ROOSEVELT, DOWNEY AND DAVIS PARKS AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the handicap restroom remodel project at Roosevelt, Downey and Davis Parks, has been completed by The McDonald Glenn Company, in accordance with the contract agreement dated February 28, 1995.

NOW, THEREFORE, BE IT RESOLVED that the handicap restroom remodel project at Roosevelt, Downey and Davis Parks be accepted from said contractor, The McDonald Glenn Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$106,108.90 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Check

**MODESTO CITY COUNCIL
RESOLUTION 96-108**

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL CAPITAL IMPROVEMENT PROGRAM BUDGET TO APPROPRIATE ADDITIONAL FUNDS FOR AN EXISTING PROJECT ENTITLED COFFEE ROAD CONSTRUCTION AND STORM DRAIN.

WHEREAS, the City Council awarded a \$1,681,556.95 contract to George Reed, Inc to install a positive storm drain system and asphalt overlay on Coffee Road from Scenic Drive to East Coolidge Avenue.

WHEREAS, during the course of the project the contractor encountered two conditions which resulted in extra costs to the project.

WHEREAS, much of the increased work was due to revised storm drain requirements. See memo for more detail.

THEREFORE, the following adjustments are necessary:

Storm Drain Fund 628

Fund/Agy/Org		Increase (Decrease)
Expenditures		
628-480-F760-6040	Village 1 Storm Drain R.O.W.	(\$64,000)
628-480-F806-6040	Coffee Road Storm Drain	\$64,000

Gas Tax Fund 070

Fund/Agy/Org		Increase (Decrease)
Expenditures		
070-430-E456-6050	Pavement Maintenance (Streets)	(\$20,000)
070-430-E938-6040	Coffee Road Scenic to Floyd Overlay	\$77,000
Revenue		
070-700-7000-9621	Transfer in from Wastewater	\$57,000

Wastewater Fund 621

Fund/Agy/Org		Increase (Decrease)
Expenditures		
621-480-D317-6040	Scenic Lift Station Discharge Line	(\$18,000)
621-480-D319-6040	Update 3 Submersible Lift Stations	(\$22,000)
621-480-F733-6010	Reclamation Partnership	(\$17,000)
621-480-7000-7070	Transfer to Gas Tax Fund	\$57,000

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 12th day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan,
McKinsey, Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-109

A RESOLUTION AUTHORIZING ISSUANCE OF CONTRACT CHANGE ORDERS TO THE CONTRACTOR, GEORGE REED, INC. FOR THE COFFEE ROAD - ROAD CONSTRUCTION AND STORM DRAIN PROJECT

WHEREAS, the City of Modesto has contracted with George Reed, Inc. for the Coffee Road - road construction and storm drain project; and

WHEREAS, a large number of unforeseen underground utility lines that crossed the storm drain line at the same elevation had to be relocated, and the contractor was allowed to relocate the conflicting lines as they were encountered in order to not cause a delay in completing the project; and

WHEREAS, the construction trench for the storm drain line had to be wider than originally estimated due to the wider width needed to install shoring along side the pipeline, requiring more replacement asphalt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the issuance of Contract Change Order No. 6 in the amount of \$59,002.44 and Contract Change Order No. 7 in the amount of \$66,134.26 to the contractor, George Reed, Inc. for the Coffee Road - road construction and storm drain project.

BE IT FURTHER RESOLVED that the execution of said change orders by the designated 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 March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Mayor Lang

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-110

A RESOLUTION HONORING STANISLAUS COUNTY
DISTRICT ATTORNEY DONALD STAHL ON THE
OCCASION OF HIS RETIREMENT.

WHEREAS, Stanislaus County District Attorney Donald Stahl has been in service to the public of Stanislaus County for more than 30 years, and

WHEREAS, Stanislaus County District Attorney Donald Stahl served for three years in the U.S. Navy, from 1958 to 1961, as Legal Officer on the U.S.S. Hancock and the U.S.S. Coral Sea, and

WHEREAS, Stanislaus County District Attorney Donald Stahl is a 1965 graduate of the University of California, Berkeley, School of Law, and

WHEREAS, Stanislaus County District Attorney Donald Stahl began his legal service with the County of Stanislaus in 1966, as a Deputy District Attorney, and

WHEREAS, Stanislaus County District Attorney Donald Stahl was promoted to Chief Deputy District Attorney in June of 1968, and

WHEREAS, Stanislaus County District Attorney Donald Stahl was sworn in as Stanislaus County District Attorney on April 3, 1973, and

WHEREAS, Stanislaus County District Attorney Donald Stahl prosecuted Larry Singleton for mayhem against Mary Vincent in 1979, and

WHEREAS, Stanislaus County District Attorney Donald Stahl was appointed by California Governor George Dukemejian to appear before the parole board to defend the Governor's recision of Archie Fain's parole, and

WHEREAS, Stanislaus County District Attorney Donald Stahl served as President of the Stanislaus County Peace Officers' Association in 1972 and as President of the California District Attorneys Association in 1983 and 1984, and

WHEREAS, Stanislaus County District Attorney Donald Stahl has served Stanislaus County in the District Attorney's Office for 30 years, 23 of those years as District Attorney, and

WHEREAS, Stanislaus County District Attorney Donald Stahl has served all those years with the utmost integrity, devotion to duty and the law, and with compassion to victims,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto, that Stanislaus County District Attorney Donald Stahl be warmly congratulated on his retirement from his distinguished public service, congratulated on his long and very successful career, and sent all best wishes for a well-deserved and content retirement from that public service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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. 96-111

A RESOLUTION APPROVING AN AMENDMENT TO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION FOR THE FISCAL YEARS 1994-95 AND 1995-96 TO ADJUST THE EFFECTIVE DATE OF A SCHEDULED SALARY INCREASE.

WHEREAS, the representatives of the City and the Modesto Police Officers Association (MPOA) met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by the MPOA for the Fiscal Years 1994-95 and 1995-96, and

WHEREAS, the Memorandum of Understanding (MOU) between the City and the MPOA adopted on September 6, 1994, requires modification to facilitate payroll processing for implementation of a 2% salary increase on the first day of a pay period, which will be two days earlier than designated by the original MOU, and

WHEREAS, by letter dated February 27, 1996, the MPOA agreed to the modification in order to implement the across-the-board increase on March 19, 1996,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association for Fiscal Years 1994-95 and 1995-96 is hereby amended to implement an across-the-board 2% increase, effective on March 19, 1996, as agreed to by the MPOA pursuant to a letter dated February 27, 1996, a copy of which letter 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 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

13

MODESTO CITY COUNCIL
RESOLUTION NO. 96-112

A RESOLUTION APPROVING STAFF RECOMMENDATIONS
RELATING TO ONGOING BIOSOLIDS REMOVAL AND
DRYING AT THE SECONDARY TREATMENT FACILITY
AND CO-COMPOST FACILITY OPERATION.

WHEREAS, at the November 7, 1995, City Council meeting, the Council asked City staff to have the Utility Services and Franchises Committee reevaluate recommendations for three remaining elements of the Co-compost Program, and

WHEREAS, after reconsidering previous recommendations, the Committee continues to recommend initial city operation as the most cost-effective and prudent business decision for this program; in particular, the consideration of competitive bid or request for proposals for this component of the City's wastewater treatment operation is best combined with other wastewater operations, which the Council could potentially be considering in the future, and

WHEREAS, the option to competitively bid the co-compost program operations will be brought back to the Council for consideration following two years of co-compost facility operation experience, staff for this project would, therefore, be hired on a limited term basis, and

WHEREAS, at its meeting on February 12, 1996, the Utility Services and Franchises Committee endorsed the staff recommendations,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the recommendations by City staff and endorsed by the Utility Services and Franchises Committee are approved as follows:

SECTION 1. The development of an on-going biosolids removal/dewatering and co-composting components of the Biosolids Co-compost Program, as described in the November 7, 1995, staff report, is hereby approved, and staff is hereby authorized to prepare bid specifications for construction and equipment for project components.

SECTION 2. City staff is hereby authorized to proceed with the development of capital and operations budgets within the Sewer Fund Budget 1996-1997 for the proposed project elements.

SECTION 3. Staff is hereby directed to report to Council within two years of initiating operations on issues and options for the competitive bid of co-compost operations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember McKinsey, 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, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: McClanahan
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-113

A RESOLUTION APPROVING AN AGREEMENT WITH PACIFIC DESIGN ASSOCIATES FOR DESIGN SERVICES FOR THE NEW AMTRAK STATION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Pacific Design Associates for design services for the new Amtrak Station, be and it is hereby resolved.

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 March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 96-113a**

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL CAPITAL IMPROVEMENT PROGRAM TO ESTIMATE AND APPROPRIATE ADDITIONAL FUNDS FOR THE NEW AMTRAK STATION DESIGN.

WHEREAS, in October 1995, the California Transportation Commission (CTC) approved \$107,000 in State Rail funds for preliminary design and environmental clearances for a project to construct a new Amtrak Station in the Village 1 area.

WHEREAS, this project will include a new station building, a platform, landscaping, parking and a canal crossing and an extension of Held Drive to serve the new station.

WHEREAS, this resolution appropriates this new revenue in an existing project entitled Amtrak Station in project number 051-430-F654.

The following adjustments are necessary:

Local Transportation Funds 051

Fund/Agy/Org		Increase (Decrease)
Expenditures		
051-430-F654-6001	Amtrak Station-Design	\$19,000
051-430-F654-6010	Amtrak Station-Design	\$88,000
Revenue		
051-510-9510-3138	State Share of Project	\$107,000

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 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan,
McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-114

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH LES PAGE, CABLE TELEVISION CONSULTANT, TO INCREASE THE HOURLY RATE OF PAY

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Les Page, cable television consultant, to increase the hourly rate of pay to \$67.50 per hour, be and it is hereby resolved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-115

A RESOLUTION INCREASING CASH ON HAND BY \$540.00, AUTHORIZING THE TRANSFER OF \$540.00 FROM GENERAL FUND CASH TO CASH ON HAND, AND SUPERSEDING RESOLUTION NO. 94-6.

WHEREAS, Cash on Hand includes cash boxes used for the purpose of making change for customers purchasing services in various City Departments, and

WHEREAS, City staff has reviewed the amount in various departments and has proposed an increase in several departments due to customer needs, and

WHEREAS, current and proposed distribution of the Cash on Hand to the various departments is as set forth on the attached document entitled "Cash on Hand Distribution",

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

1. That the current total Cash on Hand in the amount of \$3,922 is hereby authorized to be increased to \$4,462, which is an increase of \$540.00, to provide adequate cash for City departments to meet customer needs, as set forth on the attached document entitled "Cash on Hand Distribution".
2. The transfer of \$540.00 from General Fund Cash to Cash on Hand is hereby authorized.

BE IT FURTHER RESOLVED that Resolution No. 94-6 is hereby superseded.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

"CASH ON HAND DISTRIBUTION"

FUND	AGENCY/AREA	PURPOSE	PRESENT	PROPOSED
General	Police Investigation	Investigations	\$1,400	\$1,400
General	Police	Cash drawer	100	140
General	Finance Cash Drawers	\$100ea/Proposed \$100 ea.	400	500
General	Finance	Change reserve	250	250
General	Customer Svc Division	Petty cash	600	600
General	City Clerk	Change drawer	50	50
General	Transportation Admin.	Change drawer	20	20
General	P & R Kennedy Center	Change drawer	50	50
General	CDD Building Inspection	Cash drawer	100	200
General	CDD County water/sewer	Cash drawer	0	200
General	P & R Roosevelt Jr. High	Change drawer/classes	20	20
General	P & R Admin. Cash Drawers	\$100 ea./Proposed @ \$100 ea.	100	200
Parking	Public Works/Transit	Garage change drawer	80	80
Transit	Public Works/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	400
SDEA	Stan. Drug Enf. Agency	Change drawer	50	50
	TOTALS		\$3,922	\$4,462

MODESTO CITY COUNCIL
RESOLUTION NO. 96-116

A RESOLUTION OBJECTING TO SALE OF TAX-
DEFAULTED REAL PROPERTY AND APPLICATION TO
PURCHASE REAL PROPERTY KNOWN AS APN 2-
173/105-37-04-530.

WHEREAS, the Redevelopment Agency of the City of Modesto has, on September 26, 1995, adopted a Resolution of Necessity to acquire the fee simple title to said real property for the Downtown Plaza Redevelopment Project; and

WHEREAS, the County of Stanislaus Tax Collector has noticed the sale of real property as tax-defaulted property, said sale was to occur on February 25, 1993, and the minimum bid amount is \$222,297.67 through the end of February plus approximately \$1,600.00/month additional thereafter;

NOW, THEREFORE, IT IS FOUND , DETERMINED, AND ORDERED as follows:

1. Pursuant to Revenue and Taxation Code Section 3695.4, the City Council of the City of Modesto objects to the sale of Assessor's Parcel No. 2-173/157-37-04-530 as tax-defaulted real property;
2. The City Council of the City of Modesto requests the Tax Collector of the County of Stanislaus to sell Assessor's Parcel No. 2-173/157-37-04-530 to the City of Modesto in order that the City may transfer said real property to its Redevelopment Agency for the aforesaid purpose;
3. A copy of a proposed agreement to purchase is attached hereto.
4. The execution of the agreement and all documents necessary to the sale of said real property by designated 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 March, 1996, by Councilmember McKinsey, 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, Friedman, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

AGREEMENT TO PURCHASE REAL PROPERTY

THIS AGREEMENT, dated as of this ____day of _____1996, by and between the CITY OF MODESTO, a municipal corporation of the State of California("City") and the COUNTY OF STANISLAUS, a public subdivision of the State of California ("County");

On February 13, 1996, the City Council of City adopted Resolution No.____ authorizing the purchase of the tax-defaulted real property described below. In consideration of said resolution and in lieu of conducting a sale of said real property, City and County have made this agreement;

W I T N E S S E T H

FOR VALUABLE CONSIDERATION, City agrees to purchase that property located at 1009-1031 11th St., Modesto, California (APN 2-163/195-37-04-530) hereinafter described (the "Subject Property"), and County hereby agrees to convey the Subject Property to City, all subject to the terms and conditions set forth below. The Subject Property is described in Exhibit A attached hereto and incorporated herein by this reference.

1. PURCHASE PRICE. City shall pay to County the sum of ____ Dollars (\$_____).

2. EXECUTION OF DEED. County shall execute a deed to City pursuant to Revenue and Taxation Code Section 3708, et seq.

3. NOTICES. Any notice , tender, delivery or other communication pursuant to this Agreement shall be in writing and shall be deemed to be properly given if delivered, mailed , or sent by wire or other telegraphic communication in the manner provided in this section, to the following persons:

(a) City

City Manager
City of Modesto
P.O. Box 642
Modesto, CA 95353

(b) County

Treasurer-Tax Collector
County of Stanislaus
P.O. Box 859
Modesto, CA 95353

Each party may change that party's address for these purposes by giving written notice of the change to the other party in the manner provided in this section. If sent by mail, any notice, delivery, or other communication shall be effective or deemed to have been given 48 hours after it has been deposited

with the United States Postal Service, duly registered or certified, with the postage prepaid and addressed as set forth above.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

"CITY"

City of Modesto,
a municipal Corporation

By _____
J. EDWARD TEWES, City Manager

ATTEST:

By _____
JEAN ADAMS, City Clerk

APPROVED AS TO FORM:

By _____
MICHAEL C. MILICH, City Attorney

"COUNTY"

TOM WATSON
TREASURER-TAX COLLECTOR
COUNTY OF STANISLAUS

BY _____

15

MODESTO CITY COUNCIL
RESOLUTION NO. 96-117

A RESOLUTION AUTHORIZING CITY STAFF TO ISSUE
A REQUEST FOR PROPOSALS FOR APPROXIMATELY
3,275 ACRES OF CITY-OWNED RANCH PROPERTY
IRRIGATED BY TREATED WASTEWATER.

WHEREAS, in the late 1980's, the City of Modesto acquired ranch property irrigated by treated wastewater as part of the Clean Water Grant, said property consists of Assessor's Parcel Nos. 22-01-02, 22-01-04, 22-01-05, 22-03-02, 22-04-01, 22-04-02, 22-04-03 and 58-01-01, and

WHEREAS, it is the recommendation of City staff that the Council authorize City staff to issue a request for proposals to lease the ranch at a fair rent value, to be received by the City Clerk by 5:00 p.m. on May 14, 1996,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to issue a request for proposals to lease at fair rent value 3,275 acres of city-owned ranch property irrigated by treated wastewater, said property consists of Assessor's Parcel Nos. 22-01-02, 22-01-04, 22-01-05, 22-03-02, 22-04-01, 22-04-02, 22-04-03 and 58-01-01. The proposals shall be received by the City Clerk by 5:00 p.m. on May 14, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

Desk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-118

A RESOLUTION GRANTING A DEFERRAL OF CAPITAL FACILITIES FEES (CFF) TO 63 NEW SINGLE-FAMILY HOMES, WITH THE CITY WAIVING ALL ACCRUED INTEREST, AUTHORIZING THE CITY MANAGER TO APPLY FOR BUILDING EQUITY AND GROWTH IN NEIGHBORHOODS (BEGIN) FUNDS PROVIDED BY THE STATE OF CALIFORNIA, AND AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY PROGRAM DOCUMENTS INCLUDING LOAN AGREEMENTS.

WHEREAS, the State of California Department of Housing and Community Development, Division of Community Affairs, has announced additional availability of Federal Fiscal Year 1995 funds for the Building Equity and Growth in Neighborhoods (BEGIN) program, and

WHEREAS, BEGIN is operated as a model program of the HOME Investment Partnerships Program (HOME) authorized by the Cranston-Gonzalez National Housing Act of 1990 (NOFA), and

WHEREAS, under NOFA, funds are available for down payment assistance to first-time homebuyers through cities and counties providing regulatory relief for affordable housing developments, and

WHEREAS, one of the BEGIN eligibility requirements is that the City must provide some form of regulatory relief, resulting in a savings of at least \$1,000 to the home owner; and to meet this requirement, the City would propose to defer payment of \$2,000 of CFF in the form of a loan, and

WHEREAS, the Community Development and Housing Committee, at its February 21 1996, meeting, reviewed and

recommended approval of the concept of applying for BEGIN funds,
and

WHEREAS, said matter was considered by the City Council at its meeting held on March 12, 1996, at 4:00 p.m., in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in the event the City's application for BEGIN funds is granted, deferral of CFF in the amount of \$2,000 for up to 63 new single-family homes, with the City waiving all accrued interest, is hereby approved, subject to certain terms and conditions as set forth in a staff report to the Council dated March 1, 1996, from the Community Development Department/Housing and Neighborhoods Division, a copy of which staff report is marked Exhibit "A" and attached hereto.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to apply for BEGIN Funds and to execute necessary program documents, including loan agreements.

BE IT FURTHER RESOLVED that CFF shall be deferred for five years, during which time the deferred amount would accrue interest. After the five years, the loan would begin to be repaid by the homeowner. The interest that would have accrued throughout the term (\$1,207.79) would be waived by the City, thus, satisfying the \$1,000 regulatory relief threshold required by the State. The deferred CFF amount of \$2,000 would be paid

back over a period of five years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney



March 1, 1996

TO: Mayor and City Council

FROM: Community Development Department/Housing and Neighborhoods Division

SUBJECT: Deferral of CFF in the Amount of \$2,000 per Housing Unit, for up to 63 New Single-Family Homes, with the City Waiving All Accrued Interest and Authorization to Submit an Application Form To the State Department of Housing and Community Development for the BEGIN Program.

RECOMMENDED ACTION:

Adopt a Resolution deferring CFF in the amount of \$2,000 for up to 63 new single-family homes, with the City waiving all accrued interest, also authorizing the City Manager to apply for BEGIN funds and execute necessary program documents including loan agreements.

BACKGROUND:

In the winter of 1993, the City unsuccessfully applied for funds from the Building Equity and Growth In Neighborhoods (BEGIN) program provided by the State of California, (which uses Federal HOME funds). That application also consisted of deferring CFF on single-family houses for first-time, low-income homebuyers.

The City recently received another Notice of Funding Availability (NOFA) for BEGIN funds, (refer to Exhibit A). Again, these funds are available for down-payment assistance to first-time homebuyers to cities and counties which provide regulatory relief for the development of affordable housing.

Unlike the prior application process, which was competitive, applications are now being considered on first-come, first-serve basis. Approximately \$2,000,000 is available, with a maximum award of \$500,000 per jurisdiction.

Pat Collins, a local developer, has requested the City to apply for these funds, as his project (Riverbend Estates) meets many of the eligibility requirements. The BEGIN funds, if awarded, are recommended to be available citywide, on a first-come, first-served basis for the development of new single-family housing.

One of the BEGIN eligibility requirements is that the City must provide some form of regulatory relief, resulting in a savings of at least \$1,000 to the home owner. To meet this requirement, the City proposes to defer payment of \$2,000 of CFF, in the form of a loan. Payment of the

Exhibit "A"

CFF will be deferred for five years, during which time, the deferred amount would accrue interest. After the five years, the loan will begin to be re-paid by the homeowner. The interest that would have accrued throughout the term (\$1,207.79) would be waived by the City, thus, satisfying the \$1,000 regulatory relief threshold required by the State. The deferred CFF amount of \$2,000 would be paid back over a period of five years (refer to Exhibit B).

REASONS FOR RECOMMENDATION:

1. BEGIN Funds will be used to provide down payment assistance loans helping to stimulate the development of affordable ownership housing. BEGIN Funds would only be available to households earning less than 80% of the Median Area Income.
2. If successful, the grant will include approximately \$23,625 for the City's administration costs, and \$472,500 for down payment loans, for a total application request of \$496,125.
3. The \$472,500 will be used to supplement the City's existing Down Payment Assistance Program. Currently that program provides loans of up to \$7,500 for down payment and closing costs assistance. If successful, the grant will provide funds for up to 63 additional loans. Thus, the \$1,000 in waived interest will leverage \$7,500 in additional funds for down payment assistance loans.
4. Repayment of the BEGIN loans would flow into a revolving account. The down payment loans would be deferred for a period of five years.
5. The HOME match obligations for BEGIN funds are waived for funds that are used before September 30, 1996.
6. This deferral does not affect the CFF's 2% cap for assisting the development of affordable housing.

COUNCIL COMMITTEE ACTION:

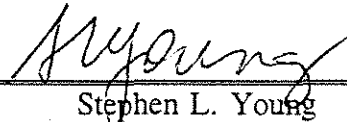
The Community Development and Housing Committee, at its February 21, 1996, meeting, reviewed and recommended approval of the concept of applying for BEGIN funds.

Mayor and City Council
BEGIN Fund Application
March 12, 1996
Page Three

STEPS FOLLOWING APPROVAL:

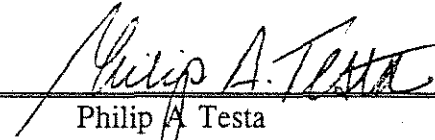
1. Housing and Neighborhoods staff will submit the BEGIN application to the State.
2. If funded, Housing and Neighborhoods staff will work with the City Attorney's Office to prepare appropriate agreements and loan documents.
3. Staff will advertise the availability of the BEGIN down-payment loan program.
4. Staff will work with developers and lenders to qualify applicants.
5. The City Manager will execute the proper loan agreements and documents
6. A monitoring program will be established to ensure compliance with Program requirements and payment of the deferred CFF.

Prepared by:



Stephen L. Young
Housing and Neighborhoods Manager

Recommended by:



Philip A. Testa
Community Development Director

Submitted by:

J. Edward Tewes
City Manager

Exhibit A: BEGIN Notice of Funding Availability
Exhibit B: Regulatory Relief - CFF Deferral Costs and Savings to the Homeowner.

cc: Deputy City Manager
City Attorney
City Clerk
Finance Director
Bill Nichols, CFF Task Force Chair

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF COMMUNITY AFFAIRS**

1800 THIRD STREET
SACRAMENTO, CA 95814
P. O. BOX 952054
SACRAMENTO, CA 94252-2054
(916) 322-1560 FAX (916) 327-6660



October 26, 1995

NOTICE TO ALL POTENTIAL APPLICANTS**RE: RE-ISSUE OF NOTICE OF FUNDING AVAILABILITY (NOFA)
BUILDING EQUITY AND GROWTH IN NEIGHBORHOODS (BEGIN)**

I am pleased to announce additional availability of Federal Fiscal Year 1995 funds for the Building Equity and Growth in Neighborhoods (BEGIN) program. BEGIN is operated as a model program of the HOME Investment Partnerships Program (HOME) authorized by the Cranston-Gonzalez National Affordable Housing Act of 1990.

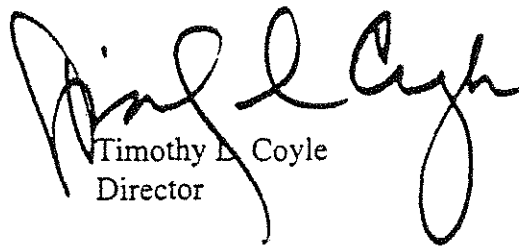
Under this NOFA, funds are available for down payment assistance to first-time homebuyers through cities and counties providing regulatory relief for affordable housing developments.

This NOFA is similar to the April 4, 1995 NOFA with the following modifications:

- Approximately \$3,794,170 remains available for distribution.
- Applications will be accepted on an over-the-counter basis until all funds are awarded.
- Applicants which meet all the threshold requirements (see section L, 1 through 4) will be recommended for funding. Applications will not be competitively rated, but will be funded on a first-come, first-served basis. This means that those applications that are first to pass threshold will be funded first until all of the remaining funds are awarded.
- Applications which were submitted in response to the April 4, 1995 NOFA and not funded will be held by the Department as open applications. Those applicants may submit additional material to address deficiencies.
- Application workshops will not be held. However, program staff is available to answer any questions and provide technical assistance.

If you are considering submitting an application for these funds, you must request a copy of the BEGIN application form, the applicable lending limits for BEGIN, and the current State HOME regulations. I encourage you to read these documents carefully before proceeding with an application.

If you have any questions regarding the application for BEGIN funds, require assistance in completing your application, or would like to receive a copy of the documents discussed above, please contact program staff at (916) 322-0356. We look forward to working you.



Timothy L. Coyle
Director

Enclosures

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR**

1800 THIRD STREET, Suite 450
SACRAMENTO, CA 95814
P.O. BOX 952051
SACRAMENTO, CA 94252-2051
(916) 445-4775 FAX (916) 323-2815



April 4, 1995

NOTICE TO ALL POTENTIAL APPLICANTS**RE: NOTICE OF FUNDING AVAILABILITY
BUILDING EQUITY AND GROWTH IN NEIGHBORHOODS (BEGIN)**

I am pleased to announce the availability of the remaining Federal Fiscal Year 1994 and Federal Fiscal Year 1995 funds for the Building Equity and Growth in Neighborhoods (BEGIN) program. BEGIN is operated as a model program of the Home Investment Partnerships Program (HOME) authorized by the Cranston-Gonzalez National Affordable Housing Act of 1990.

Enclosed please find the NOFA for approximately \$6,000,000. Under this NOFA, funds are available for down payment assistance to first-time homebuyers through cities and counties providing regulatory relief for affordable housing developments. If you are considering submitting an application for these funds, you may request a copy of the BEGIN application form, the applicable lending limits for BEGIN, and the current State HOME regulations. I encourage you to read these documents carefully before proceeding with an application.

Application workshops will be held in Sacramento, Visalia and in Southern California to assist potential applicants. The workshop schedule is found in the NOFA, along with a registration form. Preregistration is required in order to ensure adequate seating.

If you have any questions regarding the application for BEGIN funds, require assistance in completing your application, or would like to receive a copy of the documents discussed above, please contact program staff at (916) 322-0356.

We look forward to working with you in the coming year of the BEGIN program.

A handwritten signature in black ink, appearing to read "Timothy L. Coyle".

Timothy L. Coyle
Director

Enclosures

NOTICE OF FUNDING AVAILABILITY (NOFA)

BUILDING EQUITY AND GROWTH IN NEIGHBORHOODS (BEGIN)

April 4, 1995

A. Introduction

The California Department of Housing and Community Development (Department) is pleased to announce the availability of funds for the BEGIN Program. BEGIN is operated as a model program with funding from the Home Investment Partnerships Program (HOME) authorized by the Cranston-Gonzalez National Affordable Housing Act of 1990.

The Department is providing BEGIN funds to cities and counties for use as assistance for low-income, first-time homebuyers. BEGIN funds may be provided to homebuyers for (1) downpayment assistance, (2) closing cost assistance, and/or (3) second mortgages.

Under this NOFA, approximately \$6 000,000 is available for distribution. The total commitment to a jurisdiction cannot exceed \$500,000. The availability and use of these funds are subject to the State and Federal regulations governing HOME. The Federal regulations can be found at 24 CFR Part 92, and can be ordered by calling the Department of Housing and Urban Development (HUD) information number at 800-998-9999. State HOME regulations can be found at Section 8200 et seq. of the Health and Safety Code. We urge you to review the Federal and State HOME regulations prior to preparing your application. Please note that funded applicants must comply with the applicable Federal overlay requirements which include compliance with the National Environmental Policy Act of 1969 and the related authorities, applicable labor standards, the Fair Housing Act and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Federal or State statutes or regulations governing HOME or its funding may be modified by Congress, HUD, the State Legislature, or the Department prior to completion of work under the BEGIN Program. Depending on the nature of the amendments, the changes may become effective immediately, and apply to the BEGIN Program, even if the local program has been either approved under the prior law or regulations, or the Standard Agreement was executed under prior law or regulations.

This NOFA summarizes portions of the regulations that are likely to be of greatest interest or that require further explanation. In the interest of brevity, the NOFA does not cover many regulatory provisions that apply and may be important to particular local BEGIN programs or that are necessary for proper design of a program or understanding of program documents. For this reason, potential applicants are urged to review the regulations and to contact Program staff if further clarification is necessary before responding to the NOFA.

B. Application Procedures and Schedule

The original application and one copy must be delivered to the Department no later than 5:00 p.m. on July 13, 1995. No copies of the application or portions of the application will be accepted by facsimile. Applications must be on forms provided by the Department. It is the applicant's responsibility to ensure that its application is clearly understandable, complete, and accurate in all respects, as well as timely received by the Department. The applicant may be contacted by HOME staff to ask where in the application specific information may be located or to provide additional information. The Department cannot accept responsibility for or waive application requirements due to omissions, errors, or failures of the applicant, its agents, contractors, or carriers. The Department may, in its sole discretion, condition any award made under this Program, on the correction of any purely technical deficiencies which would not in any manner have affected the competitive rating and ranking of the application. Any application received after the deadline will not be returned unless requested by the applicant within 30 days following the deadline for receipt of applications. Unfunded applications will be held by the Department for one year from the NOFA deadline and then discarded.

Potential applicants are invited and encouraged to attend informational workshops which will be conducted using the schedule shown below. Space at these workshops is limited and will be reserved for registrants completing and returning the enclosed registration form on a first-come, first-served basis.

All workshops will begin at 9:00 a.m. and end at 4:00 p.m.

<u>City</u>	<u>Date</u>	<u>Address</u>
Upland	April 18, 1995	City Hall Council Chamber Room 460 N. Euclid Avenue Upland, CA 91786
Sacramento	April 20, 1995	Department of Housing and Community Development 1800-3rd Street, Room 183 Sacramento, CA 95814
Visalia	April 25, 1995	Convention Center San Joaquin Room 303 E. Acequia Avenue Visalia, CA 93291

C. Eligible Applicants

Under this NOFA, applications for the BEGIN Program will be accepted only from a city or county in the State of California which meets the following criteria:

1. The jurisdiction demonstrates, to the Department's satisfaction, that it possesses the capability of implementing a local BEGIN program. The demonstration shall occur through the provision of acceptable documentation of at least one of the following:
 - (a) That the applicant has participated in the prior development and implementation of a program or programs similar to that proposed;
 - (b) that the applicant currently has staff or will hire staff with the capability or experience with a program or programs similar to that proposed; or
 - (c) that the applicant currently has, or will be entering into, a contractual relationship with a subcontractor or subcontractors having the ability or experience necessary to assist with the implementation and operation of the program.
2. The jurisdiction has an adopted housing element which is in substantive compliance on the date applications are due to the Department.
3. The applicant demonstrates that it is committed by formal action of the governing body or authorized official to reduce requirements, waive or defer fees, or provide other forms of regulatory relief with a demonstrated cost savings to an eligible project. The applicant must commit to at least one regulatory relief measure for each proposed development or project.

Additionally, eligible applicants must meet the requirements of Section 8204(a)(4) and (b) of the State HOME regulations. If you are unsure of your ability to apply, contact the Department for assistance.

Cities or counties who received an award of funds from the BEGIN program in 1993 and 1994 are not eligible to apply unless those funds have been or will be disencumbered in their entirety as of the date the application is due.

D. Regulatory Relief

Regulatory relief is a change in an existing development standard which reduces the cost of development for the proposed BEGIN development or projects. Regulatory relief must result in a total cost savings of not less than \$1,000 per BEGIN unit. Reduced set-backs, for example, would not be considered regulatory relief because this measure does not result in a demonstrated cost savings.

Regulatory relief does not include any actions which are otherwise required by law, such as actions taken in response to a density bonus application, or as a condition of other funding. Financial assistance from third parties, such as redevelopment agency funding, does not qualify as regulatory relief.

E. Eligible Use of Funds

BEGIN funds shall be used to provide direct assistance to low-income, first-time homebuyers. The assistance must be provided in the form of a loan, which may be deferred or amortized, and shall be used for (1) downpayment assistance, (2) closing cost assistance, and/or (3) second mortgages. The applicant must demonstrate that the assistance will be used in housing which is newly constructed and has not previously been occupied.

Applicants may request up to five percent of the total amount of homebuyer assistance for the costs of administering the local BEGIN Program; however, the total amount of funds requested for both activity and administration cannot exceed \$500,000.

F. Eligible Homebuyers

Homebuyers assisted with BEGIN funds must be low-income households and must be first-time homebuyers as previously defined in Federal HOME regulations (see April 19, 1994 version). Generally, households are eligible if they have never owned a home, if they have not owned a home for the prior three years, if they are displaced homemakers or single parents who owned homes with their spouses, or if they owned a home not permanently affixed to a foundation or which cannot be brought into compliance with building codes for less than the cost of constructing a permanent structure.

G. Minimum and Maximum Amount of HOME and BEGIN Funds

The minimum amount of BEGIN funds in a project is \$1,000 times the number of BEGIN-assisted units. The maximum amount of HOME funds (including BEGIN funds) per unit is the Section 221(d)(3) limit. The maximum amount of BEGIN funds per unit is \$20,000.

H. Affordability Requirements

BEGIN projects must comply with affordability requirements specified in the Federal HOME regulations Section 92.254 and State HOME regulations Section 8210. Neither the initial purchase price nor the estimated appraised value of the BEGIN unit can exceed 95 percent of the median purchase price for the jurisdiction as determined by HUD.

HOME affordability requirements can be met in BEGIN projects only through recapture of the BEGIN funds from net sales proceeds and reuse by the locality for other HOME-eligible activities. BEGIN-assisted units are subject to recapture provisions for the minimum periods listed below. Recapture may occur upon resale beyond the period of affordability at the discretion of the jurisdiction.

1. Five years where the amount of HOME funds (including BEGIN funds) provided is less than \$15,000;
2. Ten years where the amount of HOME funds (including BEGIN funds) provided is \$15,000 to \$40,000 (i.e., the applicant has committed local HOME funds to the project); and
3. Fifteen years where the amount of HOME funds (including BEGIN funds) provided is greater than \$40,000 (i.e., the applicant has committed local HOME funds to the project).
4. The term of the first mortgage, if the first mortgage is insured by HUD.

The BEGIN rating criteria give points to projects which do not impose additional resale restrictions that limit the sales price or restrict the pool of eligible buyers at the time of resale. When BEGIN funds are used in combination with other funding sources which impose such resale restrictions, the application will not receive full points within this rating criterion. However, other funding sources may impose recapture provisions, including sharing equity or appreciation based on participation for up to ten years from the date of close of escrow, without losing rating points.

I. Time Frames for Use of BEGIN Funds

As a condition of funding, the jurisdiction must initiate the Federal environmental clearance process (detailed at 24 CFR Part 58) within 45 days of issuance of the Standard Agreement from the Department and issue building permits within 90 days from completion of the environmental review requirements.

J. State Recipient Responsibilities

A local jurisdiction (including those which are normally participating jurisdictions with HUD) which has applied to and been awarded BEGIN funds by the Department is a "State recipient." State recipients will be responsible for all implementation facets of the local BEGIN Program, including the application of Federal overlay and administrative requirements. Federal overlay requirements include applicable labor standards, obtaining environmental clearance, and equal opportunity. Administrative requirements include meeting milestones included as part of the Standard Agreement, compliance with reporting requirements, managing fund disbursement and accounting, and loan processing. After contracting with the Department, State recipients will be monitored regularly to ensure compliance with all applicable requirements.

K. BEGIN Fund Accounting

All funds for BEGIN will be accounted for and disbursed through the Cash and Management Information System (C/MI). When specific projects are identified, the projects will be "set up" or established in the C/MI system. The Department will maintain responsibility for setting up projects and disbursing funds for all projects in order to ensure that all applicable contract requirements have been fulfilled.

State recipients may be allowed to maintain a "reuse" account locally for repayments and matching funds. In future years, these funds must be used for HOME-eligible activities prior to the drawdown of additional funds from the C/MI system. Those State recipients not maintaining a reuse account locally will be required to submit repayments and matching funds to the Department's local account.

L. Application Evaluation

Local BEGIN programs shall be considered for funding only if the application is received by June 30, 1995 and the applicant demonstrates the following:

1. The applicant is eligible pursuant to the requirements of this NOFA, including a demonstration that the applicant is committed by formal action of the governing body or authorized official to reduce

requirements, waive, reduce or defer fees, or provide other forms of regulatory relief to an eligible project. The applicant must commit to at least one regulatory relief measure for each proposed development;

2. The proposed project and uses of the BEGIN funds are eligible pursuant to this NOFA;
3. The application is complete; and
4. The total amount of funds requested does not exceed \$500,000.

Applications that do not demonstrate compliance with the four factors above will not be reviewed beyond threshold. Applicants will not be notified of noncompliance until awards are announced.

If BEGIN funds requested in the applications exceed the amount of funding available, applications which pass threshold will be competitively rated. Evaluation criteria and maximum possible scores are summarized below. To receive points for each criterion, the application must contain clear and specific documentation.

<u>Criterion</u>	<u>Maximum Score</u>
1. Extent to which BEGIN-assisted units achieve high density	20
2. Extent to which parking requirements for BEGIN-assisted units are minimized	20
3. Extent to which local barriers have been removed (other than described in criteria 1 and 2)	
a. Extent to which local fees have been waived, reduced, or deferred for BEGIN-assisted units	15
b. Extent to which other regulatory relief is provided to BEGIN-assisted units	15
4. Adoption or amendment in the five years preceding the application due date of ordinances, policies or other actions intended to reduce the cost of housing development in the jurisdiction	15
5. Other funding sources do not impose resale restrictions on BEGIN-assisted units (up to 10-year equity or appreciation share based on participation can receive full points)	20
6. Extent to which BEGIN-assisted units contain three or more bedrooms	10
Total Possible Points	115

Funding decisions will be made as follows:

The Department will rate, rank and fund applications based on its review of all of the projects for which funds are requested in the applications. Applications will be funded in the order in which they are ranked with the highest point score funded first. In the case of a tied score, the application demonstrating the highest poverty level will be selected first.

Final funding decisions will be made by the Director of the Department within 60 days from the application due date. The decision of the Director shall be final, and no appeal or request for modification or reconsideration will be entertained.

M. Match Requirements

Match requirements are contained in the Federal HOME regulations at 24 CFR Sections 92.219 through 92.221 and the State HOME regulations in Section 8207. Match means funds or value permanently contributed to the HOME Program, not made with Federal funds. Examples include cash in the form of a loan from a redevelopment agency, deferred or waived fees and taxes that are normally and customarily charged by the local jurisdiction or State and the unencumbered value of the land purchased for the BEGIN project. The required matching fund source must be identified in this application and must be deposited or accounted for, as appropriate, upon set-up in C/MI.

Normally, the amount of match required to be contributed by State recipients is 25 percent; however, on January 25, 1995, HUD reduced the match requirements by 50 percent (to 12.5 percent) for any funds expended by September 30, 1996. Unless HUD reduces the match required for another period, any funds disbursed or expended after September 30, 1996 must have a 25 percent match. If you identify only 12.5 percent in match in your application and are awarded funds, you must agree to a contract condition which requires a 25 percent match for any HOME funds disbursed after September 30, 1996. The Department has requested a match waiver for jurisdictions in declared disaster areas due to the recent floods. If such waivers are granted by HUD, the Department will modify the BEGIN requirements accordingly.

The amount of matching funds required is calculated on the amount of funds requested for direct activity expenses. For example, if you are requesting a total of \$498,750 in BEGIN funds (\$475,000 for downpayment assistance and \$23,750 for administration), the match would be calculated as \$475,000 x 25 percent or 12.5 percent.

N. Other Requirements

Every applicant should carefully read both the Federal and State HOME Program regulations prior to completing and submitting an application. Two of the Federal overlay requirements, relating to labor standards and environmental clearance, are highlighted below.

The payment of Davis-Bacon prevailing wages will be required if (a) 12 or more units are assisted with BEGIN funds, and (b) there is a written agreement between the State recipient and the developer or owner of the project which states that HOME/BEGIN funds will be used to provide mortgage assistance to those units.

Compliance with the environmental review regulations contained in 24 CFR Part 58 of the National Environmental Policy Act (NEPA) is a condition of receiving BEGIN funds. If your BEGIN project includes units proposed for construction or are under construction at the time funds are awarded, your project will be considered new construction under NEPA and must undergo an Environmental Assessment. This process will take at least 75 days to complete and includes the completion of an archaeological records search for all sites. State recipients are responsible for the completion of the Environmental Assessment.

Applications selected for funding shall be approved at allocation amounts, terms and conditions specified by the Department. The Department reserves the right to negotiate all work tasks and budgets of applicants prior to execution of the Standard Agreement.

Exhibit B

Regulatory Relief CFF Deferral cost to the City and Savings to the Homeowner

The Regulatory Relief requirement for using BEGIN funds must result in a total savings of not less than \$1,000 per BEGIN unit. To meet this requirement, the City of Modesto proposes to defer payment of a City development fee known as Capital Facilities Fees (CFF), and waive all accrued interest.

Specifically, the City of Modesto will defer payment of \$2,000 of the CFF for five years. Homeowners would be required to enter into a loan agreement to begin payment of the CFF after the first five years. The interest that would have accrued will be waived by the City of Modesto. Amortization Tables depicting the total finance charges and the Homeowner's net monthly payments are attached.

A. Loan Terms

1. Deferred amount (Principal): \$2,000
2. No. Years Payments are Deferred: 5 years
3. Annual Interest: 7%
4. Amortization Period: 60 months

B. Interest Calculations

1. Annual Interest Accrued
During First Five Years: \$140.00/year
2. Total Accrued Interest
during first five years
(5 years x \$140.00): \$700.00
3. Finance Charge to Amortize
principal (\$2,000) and
Accrued Interest (\$700): \$507.79
4. Total Finance Costs \$1,207.79

C. Regulatory Relief

The City of Modesto will Waive all finance charges in the sum of \$1,207.79 per BEGIN assisted Housing Unit.

D. Homeowner Net Monthly Payment

1. Deferred Amount (\$2,000.00) repaid over 60 monthly payments
2. The Homeowner will pay \$33.33 per month for 60 months.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-119

A RESOLUTION APPROVING ALLOCATION OF \$353,000 IN HOME FUNDS FOR AFFORDABLE HOUSING PROJECTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE LOAN AGREEMENTS WHEN PREPARED

WHEREAS, the City Council has made a commitment to the production of affordable housing as delineated in the Housing Element and the Consolidated Plan and has recognized the importance of increasing home ownership for low and moderate income households; and

WHEREAS, the availability of these funds to the community has been advertised and six proposals for the construction, acquisition, or rehabilitation of affordable housing were received; and

WHEREAS, the projects were assessed according to how well they meet the City's adopted housing priorities and goals as outlined in the Consolidated Plan, Housing Element, and the Redevelopment Implementation Plan; and

WHEREAS, Subsection (q) of Section 801 of Article VIII of the Charter of the City of Modesto empowers the City Manager to sign all contracts, deeds and other documents on behalf of the City when authorized to do so by the Council or by the Charter.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the allocation of \$353,000 in HOME Funds as recommended in the funding recommendation, marked "Exhibit A," a copy of which is attached hereto and incorporated herein by reference, is hereby authorized and that the City Manager is hereby authorized to execute agreements and loan documents when prepared.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, 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, Friedman, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Exhibit A

Funding Recommendation

The recommendation consists of two scenarios. Scenario #1 reflects staff's preferred funding allocation and Scenario #2 reflects staff's funding allocation if Ashwood Village fails to secure the proper development entitlements or secure the tax credits. The Scenarios are summarized in a table format on the following page. All of the following recommendations are subject to completing the corresponding conditions as listed in this staff report.

Scenario #1

- 1a. Staff recommends **Marin Apartments** be funded with a maximum loan of \$150,000 of Redevelopment funds. Rehabilitation costs beyond this amount will be borne by the property owner.
- 1b. Staff recommends that **Habitat for Humanity** be funded with \$103,000 of Redevelopment funds to help acquire a non-specific vacant property. Staff also recommends a loan commitment for two years to develop the acquired property, and one additional year to sell, if development plans fail.
- 1c. Staff recommends that **Ashwood Village** be funded with the \$353,000 in HOME funds and \$147,000 in Redevelopment funds.

If Ashwood Village is unsuccessful in obtaining the housing tax credits by the second tax credit cycle, then staff recommends that funding should be reallocated as depicted in Scenario #2.

Scenario #2

If Ashwood Village is not allocated tax credits in the second round or fails to secure the proper zoning and development entitlements, the funding allocations would be re-allocated as follows:

- 2a. **Marin Apartments** be funded with a maximum loan of \$150,000 of Redevelopment funds. Rehabilitation costs beyond this amount will be borne by the property owner.
- 2b. The **Glendale Avenue Project** be allocated \$100,000 in HOME funds to purchase the homes offered by Modesto City Schools.
- 2c. **Habitat for Humanity** be funded with \$153,000 of HOME funds and \$185,000 of Redevelopment funds (\$338,000 Total) for the purchase and development of single-family homes. This funding is not limited to the California Avenue property.
- 2d. The **604 Briggs Avenue** project be allocated \$60,000 of HOME funds and \$25,000 of Redevelopment funds. Rehabilitation costs beyond this amount would be borne by the property owner.
- 2e. **Cape Cod Apartments** be funded with \$40,000 of HOME and \$40,000 of Redevelopment funds to develop a four-plex.

Exhibit A

TOTAL REQUESTS AND RECOMMENDED FUNDING SUMMARY

SCENARIO 1 - If Sunrise Partners is allocated tax credits during the second round and receives zoning approval, the \$753,000 in funding would be allocated as follows:

Projects:	Total Requests	Funding Recommendations		
		HOME \$353,000	RDA \$400,000	Total \$753,000
1. Marin Apts.	149,200	0	150,000	150,000
2. 2438 Glendale Ave.	160,400	0	0	0
3. Habitat for Humanity	368,000	0	103,000	103,000
4. Ashwood Village	653,000	353,000	147,000	500,000
5. 604 Briggs Avenue	83,338	0	0	0
6. Cape Cod Apts.	80,000	0	0	0
Total	1,493,938	353,000	400,000	753,000

SCENARIO 2 - If Sunrise Partners is not allocated tax credits or does not receive zoning approval, the \$753,000 would be allocated as follows:

Projects:	HOME Funding Allocation			RDA Funding Allocation			Total
	Prior HOME \$ Allocated	Additional HOME \$ Allocated	Total HOME \$ Allocated \$353,000	Prior RDA \$ Allocated	Additional RDA \$ Allocated	Total RDA \$ Allocated \$400,000	Total City \$ Allocated \$753,000
1. Marin Apts.	0	0	0	150,000	0	150,000	150,000
2. 2438 Glendale Ave.	0	100,000	100,000	0	0	0	100,000
3. Habitat for Humanity	0	153,000	153,000	103,000	82,000	185,000	338,000
4. 604 Briggs Avenue	0	60,000	60,000	0	25,000	25,000	85,000
5. Cape Cod Apts.	0	40,000	40,000	0	40,000	40,000	80,000
Balance-Unallocated	--	--	0	--	--	0	0
Total Allocated	0	353,000	353,000	253,000	147,000	400,000	753,000

MODESTO CITY COUNCIL
RESOLUTION NO. 96-120

A RESOLUTION REVISING THE HOUSING REHABILITATION LOAN GUIDELINES

WHEREAS, City staff proposes certain revisions to the Housing Rehabilitation Loan Guidelines; and

WHEREAS, the proposed revisions have been reviewed by the Housing Rehabilitation Loan Committee, the Citizen's Housing and Community Development Committee, and the Council Community Development and Housing Committee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that revisions to the City's Housing Rehabilitation Loan Guidelines are hereby approved as recommended in a report to the Council dated February 20, 1996, from the Community Development Department, a copy of which report is marked 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 12th day of March 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Dobbs, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk



Feb. 20, 1996

TO: MAYOR AND CITY COUNCIL

FROM: COMMUNITY DEVELOPMENT DEPARTMENT/ HOUSING AND
NEIGHBORHOODS

SUBJECT: Proposed Amendment to Housing Rehabilitation Loan
Guidelines

RECOMMENDED ACTION:

Motion amending the Rehabilitation Loan Guidelines as shown.

BACKGROUND:

Under the existing guidelines for the Housing Rehabilitation program, the Housing Rehabilitation Loan Committee (HRLC) may make loans to owner-occupants for up to 100% of the after-rehabilitated value of the property. The recent diminishing of equity in real estate, combined with the mandatory nature of the program, has caused a real conflict in the City's ability to pursue its neighborhood revitalization goals.

The HRLC and staff are caught in a conflict between the program requirement to rehabilitate every property in the target areas and the desire to make prudent loan underwriting decisions.

The existing loan to value limits of 80% (investor) and 100% (owner occupant) do not leave room for rehabilitation loans for many properties that were purchased in the last several years, and which have lost equity. Yet the program requires that all properties be rehabilitated, and advertises the availability of loans through the City's program. Clearly, the City does have a responsibility to make some type of financial assistance available if it is to maintain the mandatory feature of the program.

The problem is particularly severe in the Airport Neighborhood due to the severity of the housing deterioration, the illegal and haphazard construction quality, and the cost of bringing these units up to code. (Please refer to the exhibits for more information on the target area selection process.)

Given the fact that many units have expired Notice and Orders, it is not feasible to ignore these cases. The Uniform Housing Code requires that, if a property owner fails to commence repairs within 30 days of the Notice, the Building Official shall order the property vacated. Clearly, this is not something that would be in the best interest of the owners, the program, or the City.

Thus the choices to the City are: 1) abandon the mandatory nature of the program and revert to a program that only provides loans to those low and moderate income households willing to repair their homes (and who have adequate equity to qualify for a loan) or; 2) enforce Notice and Orders without offering financial assistance; or 3) offer a combination loan/forgivable loan that recognizes the increased, but acceptable, risk associated with these loans.

For a variety of reasons, staff, the Housing Rehabilitation Loan Committee and the Citizen's Housing and Community Development Committee (CHCDC) are recommending option 3 above. To abandon the mandatory nature of the program would be to lose a key reason for the success of the program. To enforce the Notice and Order without offering financial assistance would cause severe hardships for low and moderate income households in these areas, and could contribute to the loss of homes and increasing homelessness. Option 3, however, allows the City to continue with the basic program, while giving the owner some incentive to continue the maintenance and improvement of their properties.

Under the recommended proposal, the City would change its policy to allow a limited number of loans to owner-occupants that exceed the LTV guidelines. Owners without adequate equity to collateralize a loan of more than 100% would be offered a separate Deferred Payment Loan (DPL) for the portion of the loan greater than 110% (the extra 10% allows the City to capture some of the future appreciation, if any.)

For example, if a house required \$50,000 worth of repairs, but could only qualify for \$35,000 under the existing LTV requirements, the remaining \$15,000 would be offered as a separate DPL at the same terms (3-5%, 50 years). Further, in order to encourage property maintenance and provide the owner some hope of equity accumulation in the future, this extra loan could be reduced (written off) at the rate of 10% per year if the house were adequately maintained. This additional flexibility would only apply to owner-occupants; investors would be limited to the existing 80% of after-rehab value.

There should be an understanding by the Council that this extra loan is high risk, and in some cases may be lost entirely (e.g. early pay-offs where the City does not receive full repayment).

There would be a limit to the number and total amount of funds that could be lent under these, more lenient, underwriting ratios. Staff is recommending that no more than 5% of the total outstanding portfolio balance consist of such loans at any one time. (Currently, the portfolio balance of all housing rehabilitation loan programs is \$6,407,463. 5% of that figure is \$320,373.) The actual portfolio balance will shift routinely as new loans are made and old loans paid off. Staff will prepare a monthly report reflecting the appropriate figures. However, at no time could the accumulated amount of "high equity" loans exceed 5% of the total outstanding portfolio.

On January 31, the HRLC considered and endorsed this proposal with one change. Some members expressed concerns with the forgivable portion of the loan, since property owners without adequate equity could receive the benefit of a forgivable loan, while owners with sufficient equity would not. An equitable way of dealing with this is to offer the forgivable loan to all owner-occupied loan recipients. The purpose of the forgivable loan is to encourage property maintenance, and to give owners who are "over-borrowed" a reasonable expectation that they can share in any equity build-up. Staff is also concerned about the financial cost to the program from such an approach, and that suggestion is not contained in the recommendation. In addition, the HRLC suggested that, if the annual exterior inspection suggests that deterioration may be occurring on the inside, an interior inspection for compliance with the Uniform Housing Code be required. Compliance with the health and safety items needing repair in the interior inspection would be required before the 10% reduction in the loan would be made. Staff concurs with this portion of the recommendation.

On February 16, the CHCDC unanimously endorsed this proposal and recommended its adoption by the City Council. The CHCDC requested that staff work with the City Attorney's Office to develop objective criteria for approving the annual 10% write-off.

REASONS FOR RECOMMENDATION:

Approval of this policy change will allow the HRLC to approve loans necessary for compliance with the City's Housing Maintenance program.

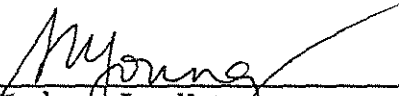
COUNCIL COMMITTEE ACTION:

This policy was discussed and endorsed by the Community Development and Housing (CD/H) Committee on February 21. The Committee recommended that the Council approve the policy change.

STEPS FOLLOWING APPROVAL:

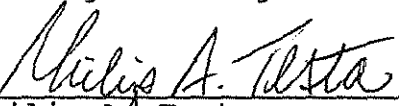
Copies of the new policy will be distributed to the HRLC and incorporated into the Policy and Procedures Manual for the program.

Prepared By:



Stephen L. Young
Housing and Neighborhoods Manager

Recommended By:



Philip A. Testa
Community Development Director

Submitted By:



J. Edward Tewes
City Manager

cc: Deputy City Manager
City Attorney
City Clerk
Finance Director

Attachments

23

MODESTO CITY COUNCIL
RESOLUTION NO. 96-121

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH STANISLAUS COUNTY AND THE CITY OF CERES (TUOLUMNE RIVER REGIONAL PARK JOINT POWERS AGREEMENT) TO MODIFY THE FUNDING FORMULA FOR THE DEVELOPMENT AND OPERATION OF THE TUOLUMNE RIVER REGIONAL PARK

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Stanislaus County and the City of Ceres (Tuolumne River Regional Park Joint Powers Agreement) to modify the funding formula for the development and operation of the Tuolumne River Regional Park, be and it is hereby resolved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-122

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH TRUST FOR PUBLIC LAND, COUNTY OF STANISLAUS, AND CITY OF CERES FOR THE ACQUISITION OF 77± ACRES OF LAND TO BE ADDED TO THE TUOLUMNE RIVER REGIONAL PARK

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Trust for Public Land, County of Stanislaus, and City of Ceres, for the acquisition of 77± acres of land to be added to the Tuolumne River Regional Park, be and it is hereby resolved.

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 March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-123

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RENEWAL OF THE LICENSE OF BERTOLOTTI DISPOSAL FOR THE COLLECTION OF INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Tuesday, April 9, 1996, at 4:00 p.m. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of the renewal of the license of Bertolotti Disposal for the collection of industrial garbage and salvageable waste.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Check 3

MODESTO CITY COUNCIL
RESOLUTION NO.96-124

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 SECTIONS 12 AND 13-3-8 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(466), TO MEDIUM DENSITY RESIDENTIAL ZONE, R-2, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF WEST RUMBLE ROAD AND LOU ANN DRIVE. (BILL ZOSLOCKI).

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, Bill Zoslocki has proposed that the zoning designation for his property located on the southeast corner of west Rumble Road and Lou Ann Drive be amended to rezone from Planned Development Zone, P-D(466), to Medium Density Residential Zone, R-2, property located on the southeast corner of west Rumble Road and Lou Ann Drive, in the City of Modesto ("the project"), and

WHEREAS, on February 8, 1996, the City's Community Development Department by Environmental Assessment 96-21 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 February 26, 1996, 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 February 8, 1996, 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 19th day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

City of Modesto
Initial Study

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the application to rezone property from Planned development zone, P-D(466) to R-2, Medium Density Residential 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 the rezoning to R-2 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 rezoning is described in the Master EIR as being within the scope of the General Plan.

II. PROJECT DESCRIPTION

- A. Project title:
Amendment to Section 13-3-8 of the zoning map of the City of Modesto to rezone from planned development zone, P-D(466) to R-2, Medium Density Residential Zone.
- B. Lead agency name and address:
City of Modesto
PO Box 642
Modesto, CA 95353
- C. Contact person and phone number:
Bill Zoslocki
515 - 13th Street
Modesto, CA. 95354
(209) 579-1221
- D. Project Location:
Southeast corner of West Rumble Road Lou Ann Drive
- E. Project sponsor:
Bill Zoslocki
515 - 13th Street
Modesto, CA. 95354
(209) 579-1221

F. General Plan Designation:
(MU) Mixed Use

G. Zoning:
existing P-D(466)
proposed R-2

H. Description of Proposed Project:

This is an application to Amendment Section 13-3-8 of the zoning map of the City of Modesto to rezone from planned development zone, P-D(466) to R-2, Medium Density Residential Zone one parcel containing 7.09 acres located on the southeast corner of West Rumble Road and Lou Ann Drive.

I. Surrounding land uses:

The property proposed to be rezoned consists of one parcel which is located on the southeast corner of West Rumble Road and Lou Ann Drive. The property is surround by the English Oaks elderly care facility, on the west by Villeurban, a medium density condominium, and on the southwest by a two-phase combination elderly congregate care/intermediate care facility, partially developed. Single-family homes adjoin the site to the southeast.

J. Other public agencies whose approval is required: N/A

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. The following is an analysis of how the rezoning from P-D(466) to R-2 conforms with the analysis contained within the Master EIR.

A. **Traffic and Circulation**

This a rezoning of property located along a minor collector from P-D(466) to R-2. The new land use designation will allow medium density residential uses with plot plan approval. No traffic study will be required as part of this rezoning. However, future multi-family development of the property will allow an opportunity to determine if a traffic study may be required by the City of Modesto Public Works and Transportation Department. This project 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 rezoning will allow eventual development of multi-family dwelling units at the southeast corner of West Rumble Road and Lou Ann Drive located within the City of Modesto. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

- C. Generation of Noise**
The rezoning of this property will allow eventual Planning Commission review of any multi-family development that may be proposed on the site. The project will not generate additional traffic nor create additional significant effects beyond those identified in the impact analysis. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.
- D. Loss of Productive Agricultural Land**
The property to be rezoned is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.
- E. Increased Demand for Water Supplies**
The rezoning of the property to R-2 will not require 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 rezoning of the property to R-2 will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.
- G. Loss of Sensitive Wildlife and Plant Habitat**
This rezoning 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 rezoning is located in the northwest portion of the City of Modesto within a developed area and 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 rezoning of this property for multi-family residential 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 rezoning of this property 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**
The rezoning to R-2, Medium Density Residential Zone will not have an effect upon the parks or open space needs in the area. However, a City Park is proposed to be located 500 feet to the north along Hahn Drive. 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 is a rezoning of property for eventual multi-family development and may have an impact on educational facilities and programs. However, this area has been studied for medium density residential development. Therefore, 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**
The rezoning of this property for medium density residential uses has no additional significant impact, upon the need for additional police services to this area, beyond that which has already been studied. 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 rezoning of property for medium density residential uses has a less than significant impact upon the need for additional fire services to this area. Fire Station Number No.6 is a quarter 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 proposal and subsequent development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are, therefore still valid.

P. Generation of Hazardous Materials

This proposal will result in no additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. Landslides and Seismic Activity

This proposal will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. Energy

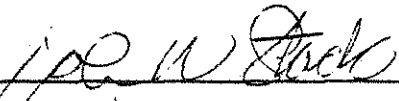
This proposal will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV

CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed rezoning from P-D(466) to R-2 is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017) which analyzed potential impacts of rezonings.
- B. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 1157.1).
- C. All feasible mitigation measures or feasible alternatives set forth in the Meir have been incorporated into this rezoning.
- D. There are no specific features unique to the proposed rezoning from P-D(466) to R-2 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: _____

2-8-96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-125

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE
PURCHASE OF THREE GENERATORS AND ONE TRAILER

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

SECTION 1. The specifications for the purchase of three generators and one trailer, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 9, 1996, at 2:10 p.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-126

A RESOLUTION ACCEPTING THE BID OF CONCO-WEST, INC. FOR THE WOODLAND LIFT
STATION ODOR CONTROL PROJECT

WHEREAS, the bids received for the Woodland lift station odor control project were opened at 2:00 p.m. on February 27, 1996, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Conco-West, Inc. in the amount of \$49,250.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of 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 19th day of March, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-127

A RESOLUTION ACCEPTING THE DESANDER INSTALLATION AT WELLS 1, 3, 8, 10, 17, 18, 22 AND 29 AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the desander installation at Wells 1, 3, 8, 10, 17, 18, 22 and 29, has been completed by Howk Systems, in accordance with the contract agreement dated March 25, 1995.

NOW, THEREFORE, BE IT RESOLVED that the desander installation at Wells 1, 3, 8, 10, 17, 18, 22 and 29 be accepted from said contractor, Howk Systems; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$272,575.00 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 19th day of March, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-128

A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO IRRIGATION DISTRICT TO ALLOW THE CITY TO DISCHARGE STORM WATER FROM THE SUNRISE/TOKAY AREA TO THE M.I.D. CAVIL DRAIN

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Modesto Irrigation District to allow the City to discharge storm water from the Sunrise Avenue/Tokay Avenue area be, and it is hereby resolved.

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 March, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-129

A RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY, STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT, CITY OF CERES, CITY OF HUGHSON, CITY OF OAKDALE, CITY OF NEWMAN, CITY OF PATTERSON, AND CITY OF TURLOCK FOR THE FORMATION AND MAINTENANCE OF A HAZARDOUS MATERIALS RESPONSE TEAM WITHIN STANISLAUS COUNTY

BE IT RESOLVED by the Council of the City of Modesto that the agreement with County of Stanislaus, Stanislaus Consolidated Fire Protection District, City of Ceres, City of Hughson, City of Oakdale, City of Newman, City of Patterson, and City of Turlock for the formation and maintenance of a hazardous materials response team within Stanislaus County, be and it is hereby resolved.

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 March, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Jean Adams*
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-130

A RESOLUTION APPROVING THE RECOMMENDATION OF THE PERMANENT FINE ART COLLECTION COMMITTEE AND THE CULTURE COMMISSION FOR THE SIXTEEN PAINTINGS DONATED TO THE CITY OF MODESTO BY THE CENTRAL CALIFORNIA ART LEAGUE

WHEREAS, from 1973 to 1981, the Central California Art League donated sixteen paintings, representing sixteen area artists, to the City of Modesto to be displayed throughout City Hall; and

WHEREAS, it is the desire of the Culture Commission and the Central California Art League to ensure that the art be maintained as a recognized entity in future years; and

WHEREAS, the Permanent Fine Art Collection Committee and the Central California Art League have developed recommendations for the permanent fine art collection which were approved by the Culture Commission on February 26, 1996.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the recommendation to the Culture Commission from the Permanent Fine Art Collection Committee, a copy of which recommendation is marked Exhibit "A", attached hereto, and incorporated herein by reference, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1996, by Councilmember McClanahan, 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: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

RECOMMENDATION TO THE CULTURE COMMISSION
FROM THE PERMANENT FINE ART COLLECTION COMMITTEE

The committee for the preservation of the Permanent Fine Art Collection of the City of Modesto met to discuss the location and condition of the sixteen paintings which were donated to Modesto by the Central California Art League, during the period from 1973 through 1981. These paintings representing 16 area artists, six of whom are now deceased, are located on the walls of the three floors and Court of City Hall, in compliance with the stipulation that they be hung in areas of public use.

The Mayor and Staff of City Hall were commended for their prompt reinstatement of the paintings following the accidental displacement of the collection, and ways have been explored to ensure that the art be maintained as a recognized entity in future years. To this end the following recommendations are forwarded to the Culture Commission, with the condition that the committee be consulted for revision if the City Hall be relocated:

1. That the paintings be permanently hung as a group along the walls of the first floor of the City Hall, with one additional space being reserved next to the Modesto banner in the foyer, near the reception desk, now occupied by Delbert Park's painting, "Ila Way Bridge". This placement plan would replace the scattered locations throughout the building.
2. That gallery status be given to this first floor hall area by naming it in honor of a founding member of the Central California Art League (to be selected by that group). CCAL will provide an appropriate sign acceptable to City Hall which designates the gallery.
3. That the Permanent Collection will be refurbished by the CCAL, with the city installing the paintings at the direction of CCAL, who also will provide identification of each painting and artist. No further acquisitions will be made until all paintings are cleaned, refurbished and identified.
4. The Permanent Collection committee further recommends that the newly established gallery be formally commemorated at a City Council meeting, in conjunction with an opening dedication reception, instituted by the CCAL, or shared by the Culture Commission, if they so elect.

5. In the event the first floor hallway space becomes insufficient, as determined by the CCAL, the committee requests additional space on the Court walls, using the same gallery approach, if this space is not being used for any other project.

6. The Permanent Collection committee also recommends that the CCAL and the City of Modesto discuss available options regarding appropriate lighting in the newly adapted exhibit space, such as track lighting to illuminate and accent the artwork.

The Permanent Fine Art Collection Committee:

Chella Gonsalves

Dan Petersen

Connie Cassinetta

Glenna Anderson, Recorder

MODESTO CITY COUNCIL
RESOLUTION NO.96-131

A RESOLUTION ALLOCATING HOME FUNDS IN THE
AMOUNT OF \$15,000 TO THE ALGEN GARDENS
DEVELOPMENT FOR DOWN PAYMENT ASSISTANCE TO
HOMEBUYERS.

WHEREAS, on September 12, 1995, the Council allocated
HOME funds to six single-family developments, and

WHEREAS, all projects received \$15,000, except a sweat-
equity project which received \$20,000, and a \$15,000 pool was
established for use by all the developers once their allocation
was exhausted, and

WHEREAS, the funds are currently being used to provide
down payment assistance loans to low-income homebuyers through
the City's Down Payment Assistance Program (DPAP), and

WHEREAS, in February, 1995, Holtzclaw Development
applied for DPAP funds for households wishing to purchase a home
in Algen Gardens, and

WHEREAS, the developer's original request for \$65,000
in funds was reviewed by the Citizens Housing & Community
Development Committee on April 20, 1995, and the Algen Garden
development should have been included on the September 12, 1995,
Council agenda to receive \$15,000 in HOME funds as did the other
six single-family developments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that Algen Gardens be, and it hereby is,

allocated \$15,000 in HOME funds for down payment assistance to homebuyers.

BE IT FURTHER RESOLVED that Algen Gardens be allowed to access the \$15,000 DPAP pool, if the development exhausts its allocation and funds are still available in the pool, subject to the same Program guidelines as the other developers.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of March, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-132

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY FOR SCADA SYSTEM ADDITIONS - PHASE I PROJECT

WHEREAS, the bids received for the SCADA System Additions - Phase I project were opened at 2:00 p.m. on March 12, 1996, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Collins Electrical Company in the amount of \$104,916.00, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-133

A RESOLUTION ACCEPTING THE BID OF JEFFCO PAINTING AND COATING, INC. FOR RECOATING OF CLARIFIER NO. 1 AT THE WATER QUALITY CONTROL PLANT

WHEREAS, the bids received for the recoating of Clarifier No. 1 at the Water Quality Control Plant were opened at 2:00 P.M. on February 13, 1996, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Jeffco Painting and Coating, Inc. in the amount of \$147,318, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Jeffco Painting and Coating 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 26nd day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-134

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF \$33,942.52 TO FULLY FUND THE RECOATING OF CLARIFIER NO. 1 AT THE WATER QUALITY CONTROL PLANT

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

FROM: Digester Foam Coating Repair (621 480 F719 6000)	\$ 5,500.00
Effluent Pump Check Valve Replacement (621 480 E541 6000)	\$28,542.52
TO: Clarifier No. 1 Recoat (621 480 F718 6040)	\$33,942.52

Additional funds are required to remove epoxy coating that is secured on the Clarifier arms and will be more difficult to remove than originally anticipated and not included in the original construction estimated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26rd day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-135

A RESOLUTION ACCEPTING THE BID OF SEFAC LIFT AND EQUIPMENT FOR ONE VEHICLE LIFT

WHEREAS, Resolution No. 95-357, adopted by the Council of the City of Modesto on July 18, 1995, approved the specifications for furnishing one vehicle lift; and

WHEREAS, the bids received for the vehicle lift, were opened at 11:05 a.m. on October 11, 1995, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, the Director of Finance has recommended that the bid of Sefac Lift and Equipment for the total amount of \$57,754.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Sefac Lift and Equipment, be accepted and the 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 26th day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION 96-136**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR A VEHICLE LIFT.

WHEREAS, the specifications for the vehicle lift were established over one year ago for the budget. Between the budget time and the submission of the requisition the specifications submitted for the bid were changed. The change provided a lift that would serve the city's fleet better and is an above ground lift versus a below ground lift. The budget was not increased to accommodate the potential money increase for the preferred, requisitioned lift.

WHEREAS, this resolution provides the additional required funding of \$27,754 from the Fleet Management Fund contingency reserve.

The following adjustments are necessary:

Fleet Management Fund 720

Fund/Agy/Org		Increase (Decrease)
Expenditures		
720-480-E493-6070	Truck Hoist-Main Shop	\$27,754
652-800-8000-8003	Contingency Reserve	(\$27,754)

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 March, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By R. Stevens, Asst.
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-137

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE ADDITIONAL NEW CAB AND CHASSIS WITH FIVE - SIX YARD CAPACITY HYDRAULIC DUMP BODY FROM FULLER FORD

WHEREAS, Resolution No. 95-516, adopted by the Council of the City of Modesto on November 7, 1995, approved the specifications for the purchase of five new cab and chassis with miscellaneous bodies; and

WHEREAS, Resolution No. 96-54, adopted by the Council of the City of Modesto on February 6, 1996, accepted the bid of Fuller Ford and authorized the preparation of a formal purchase order for five cab and chassis;

WHEREAS, the Public Works and Transportation Department Fleet Management Service Division has requested the purchase of one additional cab and chassis with five - six yard capacity hydraulic dump body, and Fuller Ford has agreed to maintain the price as quoted in the original specification.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of an additional cab and chassis with five - six yard capacity hydraulic dump body is hereby waived.

BE IT FURTHER RESOLVED that purchase of an additional cab and chassis with five - six yard capacity hydraulic dump body from Fuller Ford is hereby approved and the preparation of a change order to Purchase Order No. 96-75785 is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-138

A RESOLUTION PROVIDING FOR THE SALE OF
SURPLUS PROPERTY BY SEALED BID, PUBLIC
AUCTION, NEGOTIATION, 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 thirteen (13) pieces of
golf course equipment which has been placed into surplus as a
result of privatization of maintenance of the City's golf
courses, and one lot of traffic signal equipment which has been
placed into surplus as a result of upgrading the traffic signal
system, 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, 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 through negotiations,
and

WHEREAS, if the sealed bid process, the public auction
or the negotiation process does 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 by sealed bid and/or 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 thirteen (13) pieces of golf course equipment and one lot of traffic signal equipment, 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 through negotiations, and

SECTION 5. If said property cannot be sold on a sealed bid process, at a public auction, or through negotiations as provided for above, 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 26th day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-139

A RESOLUTION AUTHORIZING THE CITY OF MODESTO TO CO-SPONSOR "EARTH DAY IN THE PARK 1996" TO BE HELD ON SATURDAY, APRIL 27TH, IN GRACEADA PARK; ALLOWING THE SALE OF MERCHANDISE IN THE PARK; AUTHORIZING THE PURCHASING OFFICER TO ASSIST WITH THE VENDOR SELECTION PROCESS; AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH SERVICE PROVIDERS; AND AUTHORIZING THE DISPLAY OF A PROMOTIONAL BANNER.

WHEREAS, in 1970, "Earth Day" was established to encourage public awareness of programs successful in protecting the environment and conserving natural resources, and

WHEREAS, public concern about protecting the Earth is rapidly rising as new scientific information about environmental threats such as global warming, ozone depletion, acid rain, air pollution, and water pollution becomes available, and

WHEREAS, citizens and their governments are being encouraged to renew their commitment to meet the global environmental challenge, and

WHEREAS, by Council Resolution No. 92-129 adopted on March 24, 1992, the City Council acknowledged "Earth Day in the Park" as an annual event and encouraged individual citizens, community organizations, other local bodies, and the private sector to support and become actively involved in "Earth Day in the Park", and

WHEREAS, "Earth Day in the Park" allows for a long-term commitment of building a safe, just, and sustainable planet, and

WHEREAS, "Earth Day in the Park" is co-sponsored by the Citizens' Advisory Committee on Recycling (CACOR), and

WHEREAS, the City of Modesto has been requested to also co-sponsor the event to allow the event to be covered under the umbrella of the City's existing insurance policy; to authorize the sale of merchandise (with emphasis on merchandise which is environmentally sensitive) in Graceada Park during the event which would contribute to the festival atmosphere; to authorize the Purchasing Officer to assist the Earth Day Steering Committee with the vendor selection process; to authorize the City Manager to enter into necessary contracts with service providers; and to authorize the display of an event promotional banner to hang in front of the Modesto Arch on I Street for "Earth Day in the Park 1996" as recommended by CACOR,

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

1. That the City of Modesto is hereby authorized to co-sponsor "Earth Day in the Park 1996" to be held on Saturday, April 27, 1996, at Graceada Park.

2. That to provide a forum for merchants to display as well as sell their merchandise (with emphasis on merchandise which is "environmentally sensitive"), the sale of merchandise in Graceada Park at said event is hereby authorized.

3. That the Purchasing Officer of the City of Modesto is hereby authorized to assist the Earth Day Steering Committee with the vendor selection process.

4. That the City Manager of the City of Modesto is hereby authorized to enter into necessary contracts with service providers.

5. That the display of an event promotional banner to hang in front of the Modesto Arch on I Street for "Earth Day in the Park 1996" is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-140

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH HEIN HETTINGA AND AMOS DE GROOT FOR THE LEASE OF APPROXIMATELY 2,565 ACRES OF THE SECONDARY WASTEWATER TREATMENT FACILITY

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Hein Hettinga and Amos De Groot for the lease of approximately 2,565 acres of the secondary wastewater treatment facility, be and it is hereby resolved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-141

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SUBRECIPIENTS OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR SERVICES FOR FISCAL YEAR 1995-96 AND AMENDING THE CONSOLIDATION PLAN ACTION PLAN FOR FISCAL YEAR 1995-96

WHEREAS, the U.S. Department of Housing and Urban Development formally approved the City of Modesto's Consolidated Plan - Action Plan on July 26, 1995, and has awarded the City a grant in Community Development Block Grant Funds and in HOME Investment Partnership program funds; and

WHEREAS, on August 22, 1995, agreements with 17 Subrecipients of Community Development Block Grant Funds were approved; and

WHEREAS, due to increased program income resulting from repayments of housing rehabilitation and small business loans, the amount allowable was recalculated to reflect the revised fifteen percent (15%) cap, and twelve additional projects were deemed eligible for funding from the reallocation.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreements between the City of Modesto and twelve (12) Subrecipients of the Community Development Block Grant Funds listed in Attachment "A" be, and are hereby approved and the Consolidated Plan - Action Plan for Fiscal Year 1995-96 is hereby amended to reflect the additional funding.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

ATTACHMENT "A"

<u>ORGANIZATION</u>	<u>PROGRAM</u>	<u>CONTRACTAMOUNT</u>
Center for Human Services	Juvenile Diversion Program	\$ 12,500
City Police Department	Community Improvement Project	\$ 5,600
Community Housing and Shelter	Parent's Meal Program	\$ 3,225
Community Housing and Shelter	Emergency Shelter Program	\$ 12,575
Family Service Agency	Child Care Program	\$ 5,500
Inter-Faith Ministries	Food Pantry	\$ 4,000
Modesto Police Activities League	Block House Program	\$ 16,600
Modesto Police Activities League	PAL Program	\$ 10,000
Salvation Army	Hot Meal Program	\$ 7,500
Stanislaus Arts Council	Artists in the Park	\$ 500
Stanislaus County Literacy Center	GED Computer Lab	\$ 15,000
United Way	CVIR	<u>\$ 12,000</u>
	TOTAL	\$105,000

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-142

A RESOLUTION APPROVING THE FINAL MAP OF THE
PARADISE ROAD HOUSING PROJECT SUBDIVISION OF
THE CITY OF MODESTO.

WHEREAS, Self-Help Enterprises, a California non-profit public benefit corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 6.83 acres, known as the Paradise Road Housing Project 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 February, 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 Paradise Road Housing Project 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 26th day of March, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-143

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE FINAL MAP OF THE PARADISE ROAD HOUSING PROJECT SUBDIVISION.

WHEREAS, on January 4, 1995, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the Final Map of the Paradise Road Housing Project Subdivision might have a significant effect on the environment, and

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

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

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

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

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC including

the comments received in response to such proposed negative declaration.

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-144

A RESOLUTION DECLARING A FIRE TRUCK AND USED PLAYGROUND EQUIPMENT AS SCRAP AND AUTHORIZING THE DONATION OF SAID FIRE TRUCK TO THE ROSE FAMILY AND THE DONATION OF THE USED PLAYGROUND EQUIPMENT TO THE FIRST CHRISTIAN METHODIST EPISCOPAL CHURCH OF MODESTO.

WHEREAS, the Parks and Recreation Department of the City of Modesto has a fire truck which was donated in 1959 by the Rose Family for use in City parks, and

WHEREAS, the City is currently replacing playground equipment located at Mellis Park, and

WHEREAS, after many years of use and due to the poor condition of both, the fire truck and the playground equipment, it has been recommended by Parks and Recreation Department personnel that the fire truck should be returned to the Rose Family, and that the used playground equipment should be donated to the First Christian Methodist Episcopal Church of Modesto, and

WHEREAS, the Council of the City of Modesto desires to return the fire truck to the Rose Family and to donate the used playground equipment as recommended by City staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that the fire truck and used playground equipment are scrap, and the Council hereby authorizes the return of the fire truck to the Rose Family, and the donation of the used playground equipment to the First Christian Methodist Episcopal Church of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-145

A RESOLUTION APPOINTING HELEN WHITE TO THE CITY OF MODESTO LANDMARK
PRESERVATION COMMISSION AS THE CULTURE COMMISSION REPRESENTATIVE

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

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

SECTION 1. Helen White is hereby appointed to the Modesto Landmark
Preservation Commission as Culture Commission representative.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 26th day of March, 1996, by
Councilmember Freidman, who moved its adoption, which motion being duly
seconded by Councilmember McKinsey, was upon roll call carried and the
resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 96-146

A RESOLUTION DESIGNATING THE ELK'S LODGE AT
1222 I STREET AS A MODESTO LANDMARK
PRESERVATION SITE. (OWNER: TEAMSTERS UNION
LOCAL 748)

WHEREAS, Chapter 10 of Title IX of the Modesto
Municipal Code establishes Landmark Preservation Site status as a
way to recognize, preserve, enhance and perpetuate significant
landmarks in the community, and

WHEREAS, a public hearing was held on February 26,
1996, and March 18, 1996, 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. 96-1, that the Elk's Lodge at 1222 I Street is eligible for
designation as a Landmark Preservation Site for the following
reasons:

1. The location and setting is compatible with future
preservation and use because it is zoned C-2 which
permits retail and office uses currently occupying
the building.
2. The physical condition is such that preservation,
maintenance, and the current adaptive use are
economically feasible.
3. The distinguishing characteristics of significance
are for the most part original and intact and have
been restored. The original exterior facade is
sufficiently retained.
4. The existing and proposed use for office and
retail are compatible with the preservation and
maintenance of the site.

and

WHEREAS, after a public hearing held on April 2, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Elk's Lodge at 1222 I Street is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 1222 I Street is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Elk's Lodge at 1222 I Street has architectural and historical significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Architectural significance: A significant commercial building of the 1920's with fine classical elements.
2. Historical significance: Built for the Elk's Lodge who occupied the building from 1927-1950.

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 2nd day of April, 1996, by Councilmember McClanahan, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

"EXHIBIT A"

LEGAL DESCRIPTION

ELK'S LODGE

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

Commencing at the North corner of Block Number 94 as per map filed May 3, 1871 in Book 1 of Maps, Page 58, Stanislaus County Records, at the southern intersection of an 80-foot-wide 13th Street and a 100-foot-wide I Street, and the true point of beginning of this description; thence South $43^{\circ}29'30''$ East along the Northeasterly line of said Block Number 94 also being the Southwesterly line of said 80-foot-wide 13th Street, 50.00 feet; thence South $46^{\circ}30'30''$ West, 140.00 feet to the Northeasterly line of a 20-foot-wide alley in said Block Number 94; thence North $43^{\circ}19'30''$ West along said Northeasterly line of a 20-foot-wide alley in Block Number 94, 50.00 feet to the Northwesterly line of said Block Number 94, also being the Southeasterly line of said 100-foot-wide I Street; thence North $46^{\circ}30'30''$ East long the Northwesterly line of said Block Number 94, also being the Southeasterly line of said 100-foot-wide I Street; 140.00 feet to the true point of beginning, containing 0.16 acre, more or less.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-147

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS TO BE OPENED ON APRIL 23, 1996 AT 2:00PM FOR UNDERGROUND FUEL TANK REMOVAL/ABOVE GROUND FUEL TANKS AND INSTALLATION

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

SECTION 1. The specifications for the removal of below ground fuel tanks and the purchase and installation of above ground diesel fuel tanks, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 23, 1996 at 2:00pm, the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-148

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF PLAY APPARATUSES FROM ROSS RECREATION EQUIPMENT COMPANY INC.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of play apparatuses is hereby waived.

BE IT FURTHER RESOLVED that purchase of play apparatuses from Ross Recreation Equipment Company Inc. for a not to exceed price of \$34,999.42.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-149

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 80,000 LBS OF RECYCLED GRANULAR ACTIVATED CARBON (GAC) FROM NORTHWESTERN CARBON THROUGH THE CITY OF FRESNO CONTRACT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of 80,000 lbs. of recycled Granular Activated Carbon (GAC) is hereby waived.

BE IT FURTHER RESOLVED that purchase of recycled Granular Activated Carbon (GAC) from Northwestern Carbon through the City of Fresno for a not to exceed price of \$51,152.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-150

A RESOLUTION REJECTING BIDS FOR MINI VANS, OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 19, 1996, AND AUTHORIZE PURCHASE OF CARGO VANS AND MINI VANS

WHEREAS, Resolution No. 95-519, adopted by the Council of the City of Modesto on November 7, 1995, approved the specifications for furnishing new utility vehicles; and

WHEREAS, the bids received for furnishing new utility vehicles were opened at 11:00 a.m. on November 27, 1995; and

WHEREAS, due to a change in Industry specification requirements, the mini-vans and cargo vans were "no bid" by all responding bidders; and

WHEREAS, Resolution No. 96-94, adopted by the Council of the City of Modesto on March 5, 1996, approved the plans and specifications for mini vans, and authorized the call for bids; and

WHEREAS, bids received for mini vans, were opened on March 19, 1996; and

WHEREAS, during the bid evaluation process, staff learned that of the three vendors to respond only Country Ford Trucks submitted a bid on the cargo vans, and the other two vendors bid on the mini vans at a higher price than can be purchased through the State contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for mini vans, opened in the office of the City Clerk on March 19, 1996, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that purchase of cargo vans from Country Ford Trucks of Modesto and mini vans, through the State Contract, from Folsom Lake Ford of Sacramento, for a total cost of \$109,280, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-151

A RESOLUTION APPROVING THE RECOMMENDATION OF LANDMARK PRESERVATION
COMMISSION RELATING TO THE PROCESS FOR ADMINISTERING MILLS ACTS
CONTRACTS

WHEREAS, On September 16, 1993, the City Council adopted Ordinance No. 2864-C.S., the enabling legislation relating to Mills Act Contracts; and

WHEREAS, the Landmark Preservation Commission met on March 18, 1996, and recommends a process for administering Mills Act Contracts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the recommendation of the Landmark Preservation Commission for Mills Act Process Administration guidelines, as specified in the staff report entitled "Applying Workshop Gleanings to the Modesto Program," a copy of which is marked Exhibit "A" and attached hereto and incorporated herein by reference, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Applying Workshop Gleanings to the Modesto Program
Bill Nichols, 2/26/96

Administration of a Mills Act Program raises a number of issues that warrant LPC discussion. Staff suggestions follow:

1. A prerequisite to a Mills Act Contract is a historic or landmark designation at federal, state or local level.
2. Prior to applying for a Mills Act contract, a property owner should prepare the following:
 - a. Determination from the County Assessor of the annual tax savings over the next ten years.
 - b. Preparation of the First 10-Year Program of Improvements so that all of the tax savings are invested back into the building. Any rehab should follow the Secretary of the Interior's "Standards for Rehabilitation" (see Appendix A of your "City of Modesto Historic Preservation Resources Manual".) The staff, LPC, and C/C in that order will evaluate the proposal. Cost estimates and the approximate year of completion of a given improvement should accompany the components of the First 10 Year Program. The components can include:
 - (1) Cost of ongoing maintenance.
 - (2) Clean up of the exterior - remove dirt, remove obsolete ducts, wires and other clutter, repainting on a schedule.
 - (3) Restoration of exterior features as they wear out - eg. roofing.
 - (4) Removal of add-ons and restoration to original facades (eg. removal of 1950's aluminum overlay of brick fronts).
3. After staff receipt of "2" and prior to the applicant applying for a Mills Act Contract, the Historic Buildings Supervisor should prepare the following for the applicant's review:
 - a. A narrative of the most significant features, supplemented with black and white photos as warranted.
 - b. Agreed upon month of each year for an appointment to inspect the premises for three purposes:

Item III E, LPC Agenda
2/28/96
Page 2

- (1) To assess the overall level of maintenance.
 - (2) To verify that key architectural elements haven't been modified.
 - (3) To provide a progress report on the First 10-Year Program of improvements.
4. The city's contribution to the preservation effort is the above work at no cost to the applicant. However, the owners shall be responsible for the usual permit and inspection fees for any rehab work requiring a building permit.

BN/sfl

MODESTO CITY COUNCIL
RESOLUTION NO. 96-152

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT FOR ACCEPTANCE OF FUNDING FOR PREPARATION OF THE SAAG BICYCLE TRANSPORTATION MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the San Joaquin Valley Unified Air Pollution Control District for acceptance of \$10,000 in funding for the preparation of the Stanislaus Area Association of Governments Bicycle Transportation Master Plan be, and it is hereby approved.

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


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO.96-153

A RESOLUTION ACCEPTING A GRANT AWARD FROM THE FEDERAL TRANSPORTATION ENHANCEMENT ACTIVITIES PROGRAM AND THE STATE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM FOR ACQUISITION OF REAL PROPERTY FOR THE EXPANSION OF THE TUOLUMNE RIVER REGIONAL PARK.

WHEREAS, for the past several years, Modesto, on behalf of the Tuolumne River Regional Park (TRRP) has been working with The Trust for Public Land to secure funding and to negotiate a Sales Agreement for the acquisition of Planning Area IV of the Tuolumne River Regional Park Master Plan, and

WHEREAS, on March 12, 1996, the City Council approved the Sales Agreement with The Trust for Public Land, the County of Stanislaus and the City of Ceres have also approved the Sales Agreement, and the acquisition project is currently in escrow, and

WHEREAS, it would now be appropriate to accept \$866,000 in grant funding from the Federal Transportation Enhancement Activities Program and the State Environmental Enhancement and Mitigation Program for Acquisition of real property for the expansion of the Tuolumne River Regional Park,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the grant offer in the amount of \$866,000 from the Federal Transportation Enhancement Activities Program and the State Environmental Enhancement and Mitigation Program for Acquisition of real property for the

expansion of the Tuolumne River Regional Park.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute and submit the grant acceptance, project agreements, or any other documents that 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 2nd day of April, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION 96-154

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO ACCEPT GRANTS AND AMEND THE BUDGET TO ESTIMATE AND APPROPRIATE REVENUE FOR PROPERTY ACQUISITION.

WHEREAS, on April 2, 1996, the Council approved the FY 95-96 operating budget to accept \$866,000 in grant funding from the Federal Transportation Enhancement Activities Program and the State Environmental Enhancement and Mitigation Program for acquisition of real property for the expansion of the Tuolumne River Regional Park (TRRP).

WHEREAS, for the past several years, Modesto, on behalf of TRRP, has been working with The Trust for Public Land (TPL) to secure funding and to negotiate a sales agreement for the acquisition of Planning Area IV of the Tuolumne River Regional Park Master Plan.

WHEREAS, on March 12, 1996, the City Council approved the Sales Agreement with The Trust for Public Land. The County of Stanislaus and the City of Ceres have also approved the Sales Agreement.

WHEREAS, the Sales Agreement approved by Council authorizes partial acquisitions as grant funds are received.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses		Increase (Decrease)
890-800-8000-8003	TRRP Fund Contingency Reserve	(\$21,900)
891-310-F974-6030	Land Acquisition Area IV	\$2,058,900

GRANT REVENUE:

891-510-9510-3504	Federal TEA Grant	\$616,000
891-510-9510-3134	State EEMP Grant	\$250,000
891-510-9510-3134	State WCB Grant	\$455,000
891-510-9510-3700	TRRP Agency Contributions	\$716,000

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 April, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-155

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN APPLICATION FOR SUBMITTAL TO THE FEDERAL AVIATION ADMINISTRATION (FAA) TO COMPLETE THE MODESTO CITY-COUNTY AIRPORT'S FY 1996-97 CAPITAL IMPROVEMENTS.

WHEREAS, each year the City is eligible for Airport Improvement Program (AIP) funds to complete needed airport improvement projects, and

WHEREAS, the Federal Aviation Administration (FAA) has notified the City that the Airport entitlement funding for the application under consideration, which contains two projects, is \$383,687, and the FAA is requested to provide the City with \$30,691 in discretionary funds in addition to its tentative allocation of entitlement funds, and

WHEREAS, if approved, the Airport's capital improvement projects for FY 1997 will consist of upgrading the general aviation and terminal area security lighting and the construction of aircraft holding bays that serve Runway 10L/28\$, and

WHEREAS, upon acceptance of a grant for these projects, the City will be obligated to provide the local share of approximately \$46,042, and although the passenger facility charge will be used for the local share to the maximum extent possible, general fund subsidy may be needed for the short term,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute an application for submittal to the FAA for approval of

federal funds in the amount of \$414,378 to complete the Airport's FY 1996/97 capital improvements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, 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, McClanahan, McKinsey, Serpa, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-156

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE APPLICATIONS FOR SUBMITTAL TO THE SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT.

WHEREAS, each year the San Joaquin Valley Unified Air Pollution Control District solicits proposals for Reduce Motor Vehicle Emissions (REMOVE) Program projects which will reduce air pollution emissions from motor vehicles; implement relevant transportation control measures and other source related measures; and establish public education programs that support and do not duplicate any of the District's efforts, and

WHEREAS, with the concurrence of the TPC and the City Council, City staff will submit fifteen (15) grant applications for REMOVE Program funding, which applications are summarized in Attachment I, and

WHEREAS, the Public Works and Transportation Department will request \$322,423 in REMOVE Program funds, and

WHEREAS, said applications will focus on projects for which Congestion Mitigation and Air Quality funds have already been approved by SAAG, and any REMOVE funds received through the grant process will be utilized to fund the City's portion of project costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute fifteen (15) applications for submittal to the San

Joaquin Valley Unified Air Pollution Control District and any other documents or associated agreements, which applications will focus on projects for which Congestion Mitigation and Air Quality funds have already been approved by SAAG, in the amount of \$322,423.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

**City of Modesto
Public Works and Transportation Department
Proposed REMOVE Program Grant Funding FY 1995-96**

<u>Project Description</u>	<u>Project Funding Sources</u>		
	<u>REMOVE</u>	<u>Other*</u>	<u>Total</u>
Transit:			
Automatic vehicle locators for MAX - allows dispatch staff to make more informed decisions about directing bus movements and for providing better information to patrons	\$52,762	\$407,238	\$460,000
Automatic vehicle locators for DAR - allows dispatch staff to make more informed decisions about directing bus movements and for providing better information to patrons	\$4,818	\$37,182	\$42,000
Purchase (1) commuter bus for service between Modesto and the Bay Area commuter service operated by San Joaquin County	\$28,389	\$219,111	\$247,500
Operate MAX service on Sundays for one year to assess demand for this service	\$22,614	\$174,541	\$197,155
Provide fare subsidies to commuters who participate in the valley Spare-the-Air Program (initiated by SJVUAPCD) on ozone alert days	\$1,500	\$1,500	\$3,000
Convert (2) buses to cleaner burning engines which will substantially reduce diesel particulate matter emissions	\$60,000	\$60,000	\$120,000
Retrofit (7) buses with catalytic converters to reduce particulate emissions	\$7,000	\$7,000	\$14,000
Transportation:			
Increase educational efforts of City's Rideshare Program through development of program materials and other public information efforts	\$3,900	\$25,100	\$29,000
Institute a parking management plan to provide preferential parking for carpooling City employees	\$1,440	\$28,875	\$30,315
Installation of CCTV cameras at various locations city-wide to allow for surveillance of traffic signal coordination resulting in better arterial street coordination and reduced stops and delays	\$70,000	\$530,000	\$600,000
Retiming of downtown traffic signals to reduce traffic stops and delays	\$8,000	\$52,000	\$60,000
Installation of traffic signal at Kansas/SB 99 ramp to replace existing 3-way stop	\$14,000	\$106,000	\$120,000
Purchase of interchangeable message sign to advise motorists of congested areas or incidents of congested areas/incidents	\$22,000	\$178,000	\$200,000
Installation of traffic signal at intersection of 9th/Carver to replace existing 3-way stop	\$14,000	\$106,000	\$120,000
Installation of light emitting diode (LED) signal lights citywide to improve air quality by the reduction of energy consumption	\$12,000	\$88,000	\$100,000
TOTAL COSTS	\$322,423	\$2,020,547	\$2,342,970

* Congestion Mitigation and Air Quality (CMAQ) Funds

Revised ATTACHMENT I for CC Agenda Item 12
4/2/96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-157

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS AND LOAN DOCUMENTS FOR \$750,000 HOME LOAN TO PARADISE ROAD PARTNERS

WHEREAS on September 12, 1995 the Council of the City of Modesto approved the final allocation of HOME funds to complete a \$750,000 loan commitment to Self-Help Enterprises.

WHEREAS the City's Consolidated Plan included a proposed allocation of funding of specific projects for FY 95-96.

WHEREAS the completion of this project will add 48 units of very-low income rental housing to Modesto's affordable housing stock, which is the strategy of the City's Consolidated Plan.

NOW, THEREFORE, BE IT RESOLVED that the execution of said agreements by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

14

MODESTO CITY COUNCIL
RESOLUTION NO. 96-158

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A BID RESPONSE AND CONTRACT, IF BID IS SUCCESSFUL, WITH TUOLUMNE COUNTY FOR WORKERS' COMPENSATION AND LIABILITY CLAIMS ADJUSTING AND ADMINISTRATIVE SERVICES.

WHEREAS, the City has received a Request for Proposal from Tuolumne County for City staff to provide claims adjusting and administrative services for the County workers' compensation and liability program, and

WHEREAS, responding to Tuolumne County's Request for Proposal will allow the City of Modesto to enhance its intergovernmental cooperation and entrepreneurial innovation, and the City would be able to share its fixed administrative costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to sign a bid response and contract, if bid is successful, with Tuolumne County for Workers' Compensation and Liability Claims Adjusting and Administrative Services. Said bid will include those items identified in the agenda report to the City Council from the Personnel Department for the April 2, 1996, Council meeting, a copy of which report is attached hereto and marked Exhibit "A".

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, 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, McClanahann
McKinsey, Serpa, 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

W



**CITY OF MODESTO
AGENDA REPORT**

**AGENDA ITEM NO.
COUNCIL MEETING:**

TO: City Council

FROM: Personnel

SUBJECT: Bid Response for Workers' Compensation and Liability Claims Adjusting and Administrative Services for Tuolumne County

RECOMMENDED COUNCIL ACTION:

Adopt a resolution authorizing the City Manager to sign a bid response and contract, if bid is successful, with Tuolumne County for Workers' Compensation and Liability Claims Adjusting and Administrative Services.

BACKGROUND:

The City has received a Request for Proposal from Tuolumne County for City staff to provide claims adjusting and administrative services for the County's workers' compensation and liability program. City staff currently provides this same service for the City's own program. Responding to this bid would allow both entities to share in the administrative overhead.

The County has requested a two year proposal with optional extensions for an additional three years. The County has requested bids for both its workers' compensation and liability program. The County reserves the right to award the bid to one bidder for both programs or two separate bidders for each program.

Once the City's bid is submitted and, if accepted by the County, a contract will exist. Council will not have another opportunity to accept the contract, as is customary.

The City's bid costs will include: Off-campus rental space for the entire Risk Management staff; salary, benefits and equipment for an additional Workers' Compensation Claims Examiner; pro-rated costs for liability claims adjuster (Assistant Risk Manager); pro-rated costs for supplies and supervisory and administrative overhead. All costs to the City, directly and indirectly, will be recovered. To remain competitive, the actual proposed bid is not being disclosed.

REASON FOR RECOMMENDATION:

Responding to the County's Request for Proposal will allow the City to enhance its intergovernmental cooperation and entrepreneurial innovation. If accepted, the City would be able to share its fixed administrative costs.

STEPS FOLLOWING APPROVAL:

The bid package will be prepared in conjunction with the Finance Department and submitted by the deadline of April 12, 1996. If accepted by Tuolumne County, City staff will commence performing the services on July 1, 1996.

Prepared By: 
Donald N. Norris, Risk Manager

Recommended By: 
Robin Renwick, Personnel Director

Submitted By: _____
J. Edward Tewes, City Manager

MODESTO CITY COUNCIL
RESOLUTION NO. 96-159

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND JONES AND STOKES ASSOCIATES FOR PREPARATION OF A FOCUSED ENVIRONMENTAL IMPACT REPORT AND SPECIFIC PLAN FOR DEVELOPMENT OF THE EMPIRE NORTH SPECIFIC PLAN NO. 1 AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and Jones and Stokes Associates for preparation of a Focused Environmental Impact Report and Specific Plan Development of the Empire North Specific Plan No. 1 Area be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 96-160

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1995-96 TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND JONES AND STOKES ASSOCIATES.

WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto to fund an agreement with Jones and Stokes Associates to prepare a Focused Environmental Impact Report for the development of the Empire North Specific Plan no. 1 area and to reestimate revenue received from the developer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1995-96 Annual Budget be amended as follows:

GENERAL FUND
APPROPRIATION/REVENUE ADJUSTMENTS

FUND/ACCOUNT	DESCRIPTION	APPROPRIATIONS		
		CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
Strategic Planning				
Appropriations:				
010-140-1430-1404	Empire North Plan	0	72,000	72,000
Revenues:				
010-140-1430-4058	Developer Share of Project	3,000	72,000	75,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of April, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-161

A RESOLUTION APPROVING THE FINAL MAP OF THE
YOSEMITE MEADOWS UNIT NO. 2 SUBDIVISION OF
THE CITY OF MODESTO.

WHEREAS, Lowe Development Co., a California General Partnership, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 4.08 acres, known as Yosemite Meadows 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 13th day of November, 1990, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Yosemite Meadows 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 2nd day of April, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

3/16/96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-162

A RESOLUTION DENYING RON PAUL'S APPLICATION
TO OPERATE A TAXICAB BUSINESS IN MODESTO.

WHEREAS, an application was filed with the City Clerk's Office on October 26, 1995, by Ron Paul (Superior Cab in Oakdale), requesting Council approval to start a new taxicab company in Modesto, and

WHEREAS, pursuant to Modesto Municipal Code Section 4-6.205, before any application is acted upon by the Council, the City Manager shall cause City staff to make an investigation relating to specific areas as set forth in said Code and to report the findings in writing to the City Council, and

WHEREAS, pursuant to Modesto Municipal Code Section 4-6.203, no certificate for taxicab service shall be granted until the Council shall, after conducting a public hearing, declare that the public convenience and necessity require the proposed taxicab service, and

WHEREAS, said application was investigated by the Modesto Police Department and was also referred to the Transportation Policy Committee for review, and

WHEREAS, based on their findings, the Modesto Police Department and the Transportation Policy Committee recommended to the City Council that the application to operate a new taxicab company be denied,

WHEREAS, said application was duly noticed and 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 April 9, 1996, at 4:00 p.m., and

WHEREAS, said public hearing was held at the date and time noted above, and after hearing evidence both oral and documentary, the Council found and determined that the application filed by Ron Paul requesting Council approval to start a new taxicab company in Modesto, should be rejected,

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

1. For the reasons set forth in the staff report dated March 27, 1996, the City Council hereby finds that the public convenience and necessity does not require the new taxicab service as proposed by the applicant in that there does not appear to be any public demand for an additional taxicab service.
2. The application filed by Ron Paul is therefore denied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 96-163

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 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PROFESSIONAL OFFICE ZONE, P-O, PROPERTY LOCATED ON THE EAST SIDE OF COFFEE ROAD SOUTH OF EAST ORANGEBURG AVENUE AT 1310 AND 1320 COFFEE ROAD. (NORMAN E. WILSON, AIA)

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, Norman E. Wilson, AIA has proposed that the zoning designation for his property located on the east side of Coffee Road south of east Orangeburg Avenue at 1310 and 1320 Coffee Road be amended to rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located on the east side of Coffee Road south of east Orangeburg Avenue at 1310 and 1320 Coffee Road, in the City of Modesto ("the project"), and

WHEREAS, on January 23, 1996, the City's Community Development Department by Environmental Assessment 96-5 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or

additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on February 5, 1996, 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 January 23, 1996, 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 9th day of April, 1996, 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, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

City of Modesto
Initial Study

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the application to rezone property from R-1, Low Density Residential Zone to P-O, Professional Office 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 the rezoning to P-O 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 rezoning is described in the Master EIR as being within the scope of the General Plan.

II. PROJECT DESCRIPTION

A. Project title:

Amendment to Section 22-3-9 of the zoning map of the City of Modesto to rezone from R-1, Low Density Residential Zone to P-O, Professional Office Zone.

B. Lead agency name and address:

City of Modesto
PO Box 642
Modesto, CA 95353

C. Contact person and phone number:

Norm E. Wilson, AIA
609 15th Street
Modesto, CA. 95354
(209) 577-0114

D. Project Location:

East side of Coffee Road south of East Orangeburg Avenue, 1310 and 1320 Coffee Road.

E. Project sponsor:

Norman Wilson, AIA
609 15th Street
Modesto, CA. 95354
(209) 577-0114

F. General Plan Designation:
(MU) Mixed Use

G. Zoning:
existing R-1
proposed P-O

H. Description of Proposed Project:
This is an application to Amendment Section 22-3-9 of the zoning map of the City of Modesto to rezone from R-1, Low Density Residential Zone to P-O, Professional Office Zone, two parcels containing 1.80 acres located on the east side of Coffee Road south of East Orangeburg Avenue, 1310 and 1320 Coffee Road.

I. Surrounding land uses:
This project consists of two contiguous parcels which are located on the east side of Coffee road 179-feet south of the commercial uses located at East Orangeburg Avenue. These parcels are immediately surround by a commercial child day care center to the south, a convalescent care facility to the east, and residential uses to the north and west.

J. Other public agencies whose approval is required: N/A

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. The following is an analysis of how the rezoning from R-1 to P-O conforms with the analysis contained within the Master EIR.

A. **Traffic and Circulation**

This a rezoning of property located along a minor arterial from R-1 to P-O. The new land use designation will allow office development with plot plan approval. No traffic study will be required as part of this rezoning. However, future office development of the property may require review of a traffic study by the City of Modesto Public Works and Transportation Department. This project 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 rezoning will allow eventual development of offices along a portion Coffee Road located within the City of Modesto. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. Generation of Noise

The rezoning of this property will allow eventual Board of Zoning Adjustment review of a professional office development. Potential rezoning of adjacent properties to P-O will also allow office development. The project will not generate additional traffic nor create additional significant effects beyond those identified in the impact analysis. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. Loss of Productive Agricultural Land

The property to be rezoned is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. Increased Demand for Water Supplies

The rezoning of the property to P-O will not require 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 rezoning of the property to P-O will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites

This rezoning is within a developed area and 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 redevelopment of this property for 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 rezoning of this property 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

The rezoning to P-O, Professional Zone will not have an effect upon the parks or open space needs in the area. However, Downey Park is located to the south at Brighton Avenue. 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 is a rezoning of property for eventual office development and will not have an adverse impact on educational facilities and programs. 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 rezoning of property for office uses has a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. Increased Demand for Fire Services

This rezoning of property for office uses has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 5 is less than one quarter 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 proposal and subsequent development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are, therefore still valid.

- P. **Generation of Hazardous Materials**
This proposal will result in no additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

- Q. **Landslides and Seismic Activity**
This proposal will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

- R. **Energy**
This proposal will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed rezoning from R-1 to P-O is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017) which analyzed potential impacts of rezonings.

- B. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 1157.1).

- C. All feasible mitigation measures or feasible alternatives set forth in the Meir have been incorporated into this rezoning.

- D. There are no specific features unique to the proposed rezoning from R-1 to P-O 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: *R. W. Stads*

Date: 1 - 23 - 96

12/11/96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-164

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

WHEREAS, a verified application for an amendment to Sections 12-3-8 and 13-3-8 of the Zoning Map was filed by Terry Mundy on January 8, 1996, to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346), as an addition to Planned Development Zone, P-D(346), to allow an expansion of the English Oaks Convalescent and Rehabilitation Hospital complex, property located on the south side of West Rumble Road east of Hahn Drive, described as follows:

R-1 to P-D(346) as an Addition to P-D(346)

All that certain real property situate in a portion of the Southwest quarter of Section 12 and the Northwest quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Northeast corner of Parcel "C" as shown on that certain parcel map filed in the office of the Recorder of Stanislaus County, California, on April 25, 1975, in Volume 21 of Parcel Maps, Page 16; thence along the east line of said Parcel "C" South 0°47'00" East 320.00 feet to the Southeast corner of said Parcel "C" and the north line of a 20.00-foot-wide alley as shown on said Parcel Map; thence along the north line of said alley, North 88°52'00" East 198.00 feet; thence leaving said north alley line and along a parcel line bearing North 0°47'00" West 330.00 feet to the south line of the original 40.00-foot-wide West Rumble Road; thence along said south line, South 88°52'00" West 198.00 feet to a point of intersection with the northerly prolongation of the east line of aforementioned Parcel "C"; thence along said prolongation, South 0°47'00" East 10.00 feet to the point of beginning.

Including the South 20.00 feet of the original 40.00-foot-wide West Rumble Road and the North 10.00 feet of the adjacent 20.00-foot-wide alley and all immediately contiguous to the above described property.

WHEREAS, after a public hearing on March 4, 1996, 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. 96-15, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The convalescent hospital is a low-intensity use that is compatible with the medium-density residential potential for this portion of the West Rumble Road area which is designated for (MU) Mixed Uses by the Modesto Urban Area General Plan.
2. The expanded site plan allows for good on-site/off-site traffic circulation and provides more than the minimum number of required off-street parking spaces for the convalescent facility.

WHEREAS, after a public hearing held on April 9, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Terry Mundy for an amendment to Sections 12-3-8 and 13-3-8 to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346), as an addition to Planned Development Zone, P-D(346) should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 96-15 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2982-C.S. on the 9th day of April, 1996, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346), as an addition to Planned Development Zone, P-D(346).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(346), as an addition to Planned Development Zone, P-D(346), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "English Oaks Business Extension" as amended in red, stamped approved by the City Council on April 9, 1996.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed along the east 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, 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 east and west 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. Street dedication consistent with Standard Specifications shall be made prior to the issuance

of a building permit or at any time requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

6. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
7. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
8. Prior to issuance of a building permit the developer shall dedicate public utility easements and street tree planting easement as required by the utility companies, the Public Works and Transportation Director, and the Parks and Recreation Director.
9. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
10. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
11. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
12. All signs shall comply with the sign requirements of the R-2 Zone.
13. All conditions of City Council Resolution Nos. 83-830 and 87-36 not in conflict with this action shall remain in full force and effect.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(346), as an addition to Planned Development Zone, P-D(346):

The entire construction program be accomplished in one phase, construction to begin on or before March 4, 1998, and completion to be not later than March 4, 1999.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zone and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(346), as an addition to Planned Development Zone, P-D(346), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1996, 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: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

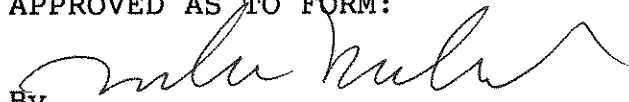
NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher


ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Community Development Department
Development Services

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-165

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 13-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D (346), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(346), PROPERTY LOCATED ON THE NORTH AND SOUTH SIDES OF WEST RUMBLE ROAD EAST OF HAHN DRIVE. (TERRY MUNDY)

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

WHEREAS, Terry Mundy has proposed that the zoning designation for his property located on the north and south sides of West Rumble Road east of Hahn Drive be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(346), as an addition to Planned Development Zone, P-D(346), property located on the north and south sides of West Rumble Road east of Hahn Drive, in the City of Modesto ("the project"), and

WHEREAS, on February 13, 1996, the City's Community Development Department by Environmental Assessment 96-34 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 March 4, 1996, 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 February 13, 1996, 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 9th day of April, 1996, 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:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

City of Modesto Initial Study

I. PURPOSE

This is an application to rezone two separate properties in connection with the planned development zone, P-D(346) for the English Oaks Convalescent and Rehabilitation Hospital located at 2633 West Rumble Road. The first property located at 2601 West Rumble is proposed to be rezoned as a portion of P-D(346) back to R-1 as a revocation. The applicant was unsuccessful in negotiations to acquire this property. As a result, this portion of the application for rezoning has been judged by City Staff to be Categorically Exempt based on Section 15305 Class 5, consists of minor alterations in land use limitations in areas with an average slope of less than 20%. In terms of the second property, the Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the application to rezone property from R-1, Low Density Residential Zone to Planned development zone, P-D(346) as an addition to P-D(346). The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

This Initial Study in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether the rezoning addition to P-D(346) 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 rezoning is described in the Master EIR as being within the scope of the General Plan.

II. PROJECT DESCRIPTION

- A. Project title:
Amendment to Section 13-3-8 of the zoning map of the City of Modesto to rezone from R-1, Low Density Residential Zone to planned development zone, P-D(346) as an addition to P-D(346).
- B. Lead agency name and address:
City of Modesto
PO Box 642
Modesto, CA 95353
- C. Contact person and phone number:
Terry L. Mundy
2633 W. Rumble Road
Modesto, CA. 95350

(209) 544-8019

- D. Project Location:
South side of West Rumble Road east of Lou Ann Drive

- E. Project sponsor:
Terry L. Mundy
2633 W. Rumble Road
Modesto, CA. 95350
(209) 544-8019

- F. General Plan Designation:
(MU) Mixed Use

- G. Zoning:
existing R-1
proposed P-D(346)

- H. Description of Proposed Project:
This is an application to Amendment Section 13-3-8 of the zoning map of the City of Modesto to rezone from Low Density Residential Zone, R-1 to Planned Development Zone, P-D(346), as an addition to P-D(346); two parcels containing 1.50 acres located on the south side of West Rumble Road east of Lou Ann Drive. The existing P-D(346) is for the English Oaks Convalescent and Rehabilitation Hospital. The expansion of the planned development zone will allow additional office area, relocation of the facilities pharmacy, staff classroom, storage building, and parking lot.

- I. Surrounding land uses:
The property proposed to be rezoned consists of two parcel which are located on the south side of West Rumble Road east of Lou Ann Drive. The property is surround by the English Oaks elderly care facility, on the north, undeveloped residential property to the west, and by single-family homes adjoin the site to the southeast.

- J. Other public agencies whose approval is required: N/A

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. The following is an analysis of how the rezoning from R-1, Low Density Residential Zone to P-D(346) as an addition to P-D(346) conforms with the analysis contained within the Master EIR.

- A. **Traffic and Circulation**
This a rezoning of property located along a minor collector from R-1, Low Density Residential Zone to P-D(346) as an addition to P-D(346). The proposed expansion

of the P-D will not require a traffic study as determined by the City of Modesto Public Works and Transportation Department. This project 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 rezoning will allow expansion of a convalescent care facility along the north and south sides of West Rumble Road east of Lou Ann Drive and located within the City of Modesto. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. Generation of Noise

The rezoning of this property will allow expansion of the English Oaks Convalescent and Rehabilitation Hospital. But no additions beds will be added as a result of the rezoning. The project will not generate additional traffic nor create additional significant effects beyond those identified in the impact analysis. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. Loss of Productive Agricultural Land

The property to be rezoned is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. Increased Demand for Water Supplies

The rezoning of the property will not require 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 rezoning of the property will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

This rezoning 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 rezoning is located in the northwest portion of the City of Modesto within a developed area and 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 rezoning of this property for expansion of a convalescent care facility and 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 rezoning of this property 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

The rezoning will not have an effect upon the parks or open space needs in the area. However, a City Park is proposed to be located 500 feet to the north along Hahn Drive. 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 is a rezoning of property for expansion of a convalescent care facility and will not have an impact on educational facilities and programs. However, this area has been studied for medium density residential development. Therefore, 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

The rezoning of this property for a convalescent care facility use has no additional significant impact, upon the need for additional police services to this area, beyond that which has already been studied. 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 rezoning of property for a convalescent care facility use has a less than significant impact upon the need for additional fire services to this area. Fire Station Number No.6 is a quarter 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 proposal and subsequent development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are, therefore still valid.

P. Generation of Hazardous Materials

This proposal will result in no additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. Landslides and Seismic Activity

This proposal will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. Energy

This proposal will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV

CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed rezoning from R-1 to P-D(346) as an addition to P-D(346) is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017) which analyzed potential impacts of rezonings.
- B. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 1157.1).
- C. All feasible mitigation measures or feasible alternatives set forth in the Meir have been incorporated into this rezoning.
- D. There are no specific features unique to the proposed rezoning from R-1 to P-D(346) as an addition to P-D(346) that will 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: _____

2 - 13 - 96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-166

A RESOLUTION APPROVING THE RECREATION DIVISION ACTIVITY FEE STRUCTURE
AND REVENUE GENERATION POLICY

WHEREAS, fees established in the Recreation Division for a variety of activities come under the "non-enumerated" fee area; and

WHEREAS, in an effort to bring the existing Recreation Division activity fees and revenues practice and policy into compliance with the statute of law regulating the process for adoption of non-enumerated fees, staff has prepared a Recreation Division Activity Fee Structure and Revenue Generation Policy; and

WHEREAS, staff recommends that annually, on or before the first February meeting of the City Council, the Parks and Recreation Department's Recreation Division shall submit to the City Council any proposed percentage or flat fee changes to the Activity Fee Structure and any proposed percentage changes in the Activity Revenue Generation Policy.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto does hereby adopt the policy entitled, "Recreation Division Activity Fee Structure and Revenue Generation Policy," marked "Exhibit A", a copy of which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

City of Modesto Parks and Recreation Department

Recreation Division Activity Fee Structure
and Revenue Generation Policy

I. Recreation Division Activity Fee Structure

A. Direct Costs - Actual Program Implementation Cost

1. Categories - Program Direct Cost

- a. Part-time Staff i.e., leaders, instructors, officials, scorekeepers, supervisors
Per hour/game cost of P/T staff x number of hours/games per day x number of sessions/games per program/league x benefit cost* = Part-time Employee Cost

Divide P/T Employee Cost by the minimum # of projected participants/teams = Staff Cost Per Participant/Team
(P/T Staff costs are divided by 2 for teams)

- b. Equipment, i.e., lights, tables, chairs, sound systems
Total cost to rent equipment per event/session/league = Equipment Cost

Divide Equipment Cost by the minimum # of projected participants/teams = Equipment Cost Per Participant/Team

- c. Supply, i.e., awards, balls, crafts, tickets, certificates, videos
Total cost to purchase supplies per event/session/league = Supply Cost

Divide Supply Cost by the minimum # of projected participants/teams = Supply Cost Per Participant/Team

* Provided by Finance
(Current part-time employee benefit %: 9%)

- d. Facility, i.e., rental
Total cost to rent facility per
event/session/league = Facility Cost
- Divide Facility Cost by the minimum # of
projected participants/teams = Facility Cost
Per Participant/Team
- e. Maintenance/Custodial
Per use maintenance rate ** x # of uses per
event/session/league = Maintenance Cost
- Divide Maintenance Cost by the minimum # of
projected participants/teams =
Maintenance/Custodial Cost Per
Participant/Team
(Maintenance costs are divided by 2 for
teams)
- f. Membership Dues, i.e., ASA softball fees
Total cost for membership fee per
event/session/league = Membership Cost
- Divide Membership Cost by the minimum # of
projected participants/teams = Membership
Cost Per Participant/Team
- g. Special Insurance, i.e., special event or
food product liability insurance
Total cost for insurance per
event/session/league = Insurance Cost
- Divide Insurance Cost by the minimum # of
projected participants/teams = Insurance Cost
Per Participant/Team
- h. Security
Total cost for security per
event/session/league = Security Cost
- Divide Security Cost by the minimum # of
projected participants/teams = Security Cost
Per Participant/Team

** Provided by Department Administration
(Current rate: \$9.00 p.h.)

- i. Marketing, i.e., newspaper, radio
Total cost for marketing per
event/session/league = Marketing Cost

Divide Marketing Cost by the minimum # of
projected participants/teams = Marketing Cost
Per Participant/Team
- j. Program Discounts and Coupons
Total cost of discounts or coupons to be
offered per event/session/league =
Discount/Coupon Cost

Divide Discount/Coupon Cost by the minimum #
of projected participants/teams =
Discount/Coupon Cost Per Participant/Team
- k. Utilities, i.e., lights
Total cost for utilities per
event/session/league = Utility Cost

Divide Utility Cost by the minimum # of
projected participants/teams = Utility Cost
Per Participant/Team
- l. Transportation, i.e., bus rental
Total cost for transportation per
event/session/league = Transportation Cost

Divide Transportation Cost by the minimum #
of projected participants/teams =
Transportation Cost Per Participant/Team
- m. Brochure, i.e., Department brochure space
Brochure % budgeted per cost center divided
by 50%, then divided by the total number of
participants/teams anticipated per cost
center = Brochure Cost Per Participant/Team
- n. Postage
Mailing/postage budgeted per cost center
divided by the total number of
participants/teams anticipated per cost
center = Postage Cost Per Participant/Team

- o. Equipment Purchase
Total cost of equipment purchase divided by # of years for life expectancy of equipment = \$ Cost Per Year

Divide Cost Per Year by minimum # of projected participants/teams per year = Amortized Cost Per Year Per Participant/Team

- p. Other
Total cost per event/session/league = Other Cost

Divide Other Cost by minimum # of projected participants/teams per year = Other Cost Per Participant/Team

2. Total Direct Cost

- a. Total of category costs, a - p, = Direct Cost
(If co-sponsor purchases any of the above category costs directly, the cost will not be calculated. If co-sponsor donates funds to the City, that amount will be deducted from appropriate category costs: a - p)

B. Indirect Cost - Department Administration

1. Department Administration Cost

- a. Supervisor hourly pay x # of program hours = Supervisory Salary Cost
- b. Supervisory salary cost x employee benefit %* = Supervisory Benefit Cost
- c. Supervisory salary cost x department overhead%** = Department Overhead Cost
- c. Supervisory salary cost + supervisory benefit cost + department overhead cost = Department Administration Cost

2. Total Indirect Cost

- a. Department Administration Cost divided by the projected maximum # of participants/teams anticipated*** = Total Indirect Cost Per Participant/Team

* Provided by Finance
(Current employee benefit %: 37.7%)
(Current department overhead %: 53.3%)

*** Historical Data and/or Performance Standard

C. Cost of Service Recovery

1. Total Direct Cost Per Participant/Team + Total Indirect Cost Per Participant/Team = Participant/Team Fee for Cost of Service

D. Flat Fees for Specific Programs

These fees do not cover the entire Per Participant/Team Cost of Service, but are considered reasonable and what the market will bear in the recovery of cost.

1. Player Add Fee

After roster submittal deadline, a fee of fee of \$7.00 is charged for each added player.

2. \$20.00 Protest Fee - League Sports or Tournaments Only

This fee is charged only when a team files a protest for a specific rule or policy infraction by an opposing team. If the protest is upheld, the protest fee is refunded to the protesting team.

3. \$25.00 Late Registration Fee - League Sports or Tournaments Only

This fee is charged to teams that register during a designated "grace period" after registration has ended. The fee objective is to encourage teams to register prior to the deadline, to offset the cost of making schedule changes and to permit the maximum number of teams for competition purposes.

4. Recreation Swim Flat Fees

17 and under	\$.75
62 and over - Sr. Citizens	1.00
18 - 61 - Adults	1.50
Physically Disabled	1.00

5. Drop-in Program Flat Fees

Multi-Purpose Facility	\$1.00
Sr. Citizens	1.00

6. Track Program Flat Fees

17 and under	\$.50 per event
18 and over	1.00 per event

E. Merchandise Resale Fee

Total cost per unit, rounded to the nearest \$1.00, plus tax. Indirect costs do not apply to resale items.

II. Recreation Division Activity Revenue Generation Policy
(Funds generated from donations and co-sponsorships are included as a part of the activity cost recovery)

A. Leisure Services Programs

1. Adult Sport Leagues and Tournaments

100 % cost of service recovery, plus protest, player-add, and late registration fees.

2. Aquatics Classes and Recreation Swim

50 % cost of service recovery for Infant Pre-School, Water Exploration, and Primary Skills.

75 % cost of service recovery for Stroke Readiness, Stroke Development, Stroke Refinement, Skill Proficiency, Lifeguard Training, Emergency Water Safety and Specialty Aquatic Classes for Youth.

100 % cost of service recovery for all Adult Aquatics Classes and Youth Semi-Private or Private Classes.

3. Senior Citizen Special Events, Dances, Workshops, and Classes

100 % cost of service recovery for Special Events, Dances and Classes.

0 % cost of service recovery for Workshops.

4. Youth and Adult Specialty Classes, Tennis Classes, Workshops, Pool and Birthday Parties, Santa and Bunny Rentals and Sport Clinics

100 % cost of service recovery.

5. Child Services Afterschool and Summer Park Program and Park Program Fee Assessed Special Events

0 % cost of service recovery for the Afterschool and Summer Park Program.

25 % cost of service recovery for Park Program Fee Assessed Special Events.

75 % cost of service recovery for Youth Concerts

100 % cost of service recovery for Youth Recreation On Campus Program

6. Excursions

50 % cost of service recovery for Youth and Teen Excursions.

100 % cost of service recovery for Adult Excursions.

B. Community Services Programs

1. King-Kennedy Classes, Dances and Special Events

25 % cost of service recovery.

2. Teen Services Special Events, Dances and Concerts

75 % cost of service recovery.

3. Teen Sport Leagues, Tournaments and Late Nite Activities

50 % cost of service recovery for Leagues and Tournaments.

0 % cost of service recovery for Late Nite Activities.

4. Maddux Youth Center Classes, Workshops, Special Events, Sport Clinics and Dances

0 % cost of service recovery for classes, workshops, special events and sport clinics.

25 % cost of service recovery for dances.

page 8, Recreation Division Activity Fees and Revenues

5. Social Services Workshops and Special Events
0 % cost of service recovery.
6. Youth Sport, Recreation and Day Camps
100 % cost of service recovery.

CITY OF MODESTO
PARKS AND RECREATION DEPARTMENT

RECREATION DIVISION
DIRECT AND INDIRECT FEE RECOVERY COST CALCULATION PROCEDURE
Worksheet

I. Direct Fee Calculation Procedure

Cost Category	Cost Formula	Cost Per Participant/Team
<p>a. Part-time Staff</p> <p>Leader, instructor, official, scorekeeper, supervisor, contract</p>	<p>Part-time Employee Cost Per hour/game cost of P/T staff x # of hours/games per day x # of sessions/games per program/league x benefit cost = P/T Employee Cost</p> <p>Divide P/T Employee Cost by the minimum # of projected participants/teams = Staff Cost Per Participant/Team*</p> <p>* (P/T staff costs are divided by 2 for teams)</p>	
<p>b. Equipment</p> <p>Lights, tables, chairs, sound systems</p>	<p>Equipment Cost</p> <p>Total cost to rent equipment per event/session/league = Equipment Cost</p> <p>Divide Equipment Cost by the minimum # of projected participants/teams = Equipment Cost Per Participant/Team</p>	
<p>c. Supply</p> <p>Awards, balls, crafts, tickets, certificates, videos</p>	<p>Supply Cost</p> <p>Total cost to purchase supplies per event/session/league = Supply Cost</p> <p>Divide Supply Cost by the minimum # of projected participants/teams = Supply Cost Per Participant/Team</p>	

<p>d. Facility</p> <p>Rental</p>	<p>Facility Cost</p> <p>Total cost to rent facility per event/session/league = Facility Cost</p> <p>Divide Facility Cost by the minimum # of projected participants/teams = Facility Cost Per Participant/Team</p>	
<p>e. Maintenance/Custodial</p> <p>Field , custodial</p>	<p>Maintenance/Custodial Cost</p> <p>Per use maintenance rate x # of uses per event/session/league = Maintenance Cost</p> <p>Divide Maintenance Cost by the minimum # of projected participants/teams = Maintenance Cost Per Participant/Team*</p> <p>* (Maintenance costs are divided by 2 for teams)</p>	
<p>f. Membership</p> <p>Dues, special fees</p>	<p>Membership Cost</p> <p>Total cost of dues/special fees per event/session/league = Membership Cost</p> <p>Divide Membership Cost by the minimum # of projected participants/teams = Membership Cost Per Participant/Team</p>	
<p>g. Insurance</p> <p>Food product liability, special event, etc.</p>	<p>Insurance Cost</p> <p>Total cost of insurance per event/session/league = Insurance Cost</p> <p>Divide Insurance Cost by the minimum # of projected participants/teams = Insurance Cost Per Participant/Team</p>	
<p>h. Security</p> <p>Private security or City police</p>	<p>Security Cost</p> <p>Total cost for security per event/session/league = Security Cost</p> <p>Divide Security Cost by the minimum # of projected participants/teams = Security Cost Per Participant/Team</p>	

<p>i. Marketing</p> <p>Newspaper, radio, TV</p>	<p>Marketing Cost</p> <p>Total cost for marketing per event/session/league = Marketing Cost</p> <p>Divide Marketing Cost by the minimum # of projected participants/teams = Marketing Cost Per Participant/Team</p>	
<p>j. Discounts & Coupons</p> <p>Discounts, coupons</p>	<p>Discount & Coupon Cost</p> <p>Total cost of discounts or coupons to be offered per event/session/league = Discount & Coupon Cost</p> <p>Divide Discount & Coupon Cost by the minimum # of projected participants/teams = Discount Cost Per Participant/Team</p>	
<p>k. Utilities</p> <p>Lights, heating/air conditioning</p>	<p>Utility Cost</p> <p>Total cost of utilities per event/session/league = Utility Cost</p> <p>Divide Utility Cost by the minimum # of projected participants/teams = Utility Cost Per Participant/Team</p>	
<p>l. Transportation</p> <p>Bus, car, train, plane</p>	<p>Transportation Cost</p> <p>Total cost of transportation per event/session/league = Transportation Cost</p> <p>Divide Transportation Cost by the minimum # of projected participants/teams = Transportation Per Participant/Team</p>	
<p>m. Brochure</p> <p>Department brochure space</p>	<p>Brochure Cost</p> <p>Brochure % budgeted per cost center divided by the total # of participants/teams anticipated per cost center divided by 50% = Brochure Cost Per Participant/Team</p>	

<p>n. Postage</p> <p>City mailing/postage</p>	<p>Postage Cost</p> <p>Program mailing/postage budgeted per cost center divided by the total number of participants/teams anticipated per cost center = Postage Cost Per Participant/Team</p>	
<p>o. Equipment Purchase</p> <p>Gymnastics, sound system</p>	<p>Equipment Cost</p> <p>Total cost of equipment purchase divided by # of years for life expectancy of equipment = \$ cost per year. Divide Cost Per Year by the minimum # of projected participants/teams per year = Amortized Cost Per Year Per Participant/Team</p>	
<p>p. Other</p> <p>Misc expenses</p>	<p>Other Costs</p> <p>Total cost per event/session/league = Other Costs</p> <p>Divide Other Costs by the minimum # of projected participants/teams = Other Cost Per Participant/Team</p>	

<p>Total Category Costs: a - p Per Participant/Team</p> <p>(If co-sponsor purchases any of the above category costs directly, the cost will not be calculated. If co-sponsor donates funds to the City, that amount will be deducted from appropriate category costs : a - p)</p>	
<p>=</p> <p>Total Direct Cost: Per Participant/Team</p>	

II. Indirect Fee Calculation Procedure

<u>Supervisory Hourly Pay</u> X	<u># of Program Hours</u> =	<u>Supervisory Salary Cost</u>
<u>Supervisory Salary Cost</u> X	<u>Employee Benefit %</u> =	<u>Supervisory Benefit Cost</u>
<u>Supervisory Salary Cost</u> X	<u>Department Overhead %</u> =	<u>Department Overhead Cost</u>

<u>Supervisory Salary Cost</u> +	<u>Supervisory Benefit Cost</u> +	<u>Department Overhead Cost</u> =	<u>Department Administration Cost</u>
----------------------------------	-----------------------------------	-----------------------------------	---------------------------------------

<u>Department Administration Cost</u> divided	<u>Projected Maximum # of Participants/Teams Anticipated</u> =	<u>Total Indirect Cost Per Participant/Team</u>
---	--	---

III. Cost of Service Recovery Procedure

<u>Total Direct Cost Per Participant/Team</u> +	<u>Total Indirect Cost Per Participant/Team</u> =	<u>Per Participant/Team Fee</u>
---	---	---------------------------------

IV. Projected Revenue Procedure

<u>Per Participant/Team Fee</u> X	<u>Minimum # of Projected Participants/Teams</u> =	<u>Projected Revenue</u>
-----------------------------------	--	--------------------------

MODESTO CITY COUNCIL
RESOLUTION NO. 96-167

A RESOLUTION DECLARING WECO INDUSTRIES INC. LOW BIDDER AND AUTHORIZING THE PURCHASE OF ELEVEN NEW GAS DETECTORS

WHEREAS, Resolution No. 95-599, adopted by the Council of the City of Modesto on December 12, 1995, approved the plans and specifications for furnishing gas detectors and authorized the calling for bids; and

WHEREAS, the bids received for furnishing gas detectors were opened at 11:00 a.m. on January 9, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of WECO 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 WECO Industries Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-168

A RESOLUTION REJECTING BIDS FOR VARIABLE SPEED DRIVES - EFFLUENT PUMPS PROJECTS, OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 19, 1996

WHEREAS, bids received for variable speed drives - effluent pumps project, were opened on March 19, 1996; and

WHEREAS, during the bid evaluation process, staff learned of a potentially unfair bidding situation in the competitive bidding process, and recommends bids be rejected and specifications be rewritten to incorporate these features.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for variable speed drives - effluent pumps projects, opened in the office of the City Clerk on March 19, 1996, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-169

A RESOLUTION ACCEPTING THE PROJECT TITLED DIGESTERS NO. 1 AND 2 FOAM COATING REPAIR AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Digesters No. 1 and 2 Foam Coating Repair, has been completed by Central Coating Company Inc., on December 5, 1995, in accordance with the contract agreement dated October 17, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Digesters No. 1 and 2 Foam Coating Repair be accepted from said contractor, Central Coating Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$27,841.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McKinsey, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-170

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE MASTER PROPERTY TAX AGREEMENT WITH COUNTY OF STANISLAUS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Master Property Tax agreement between the City of Modesto and the County of Stanislaus be, and that the execution of said agreement 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 9th day of April, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-171

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
FOR THE FISCAL YEAR 1995-96.

WHEREAS, it has been determined that a payment is due to the County
for signature verification on the initiative ordinance requiring an
advisory vote prior to the approval of funds for Sewer improvements
which allow urban development (Aarvig Initiative) in the amount of \$16,450

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the 1995-96 Annual Budget be amended as follows:

CITY CLERK DEPARTMENT APPROPRIATIONS				
FUND/ACCOUNT	APPROPRIATIONS	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
Elections City Clerk & Auditor				
010-050-0502-0238	Elections	235,000	16,450	251,450
010-800-8000-8003	Contingency Reserve	4,014,781	(16,450)	3,998,331

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-172

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MCCAW COMMUNICATIONS OF MODESTO INC., FOR LEASE OF 700± SQUARE FEET OF DOWNEY PARK TO LOCATE A CELLULAR TELEPHONE ANTENNA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and McCaw Communications of Modesto Inc. for lease of a 700± square feet of Downey Park to locate a cellular telephone antenna be, and it is hereby approved.

BE IT FURTHER RESOLVED that the negotiation of said contract by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-173

A RESOLUTION APPROVING AN AMENDED LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND BASIC RESOURCES INC., FOR LEASE OF AN ADDITIONAL 204± SQUARE FEET OF BEATY BUILDING FOR ADDITIONAL SPACE FOR 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 amended lease agreement between the City of Modesto and Basic Resources Inc. for lease of an additional 204± square feet of the Beaty Building for additional space for the Neighborhood Preservation Unit of the Housing and Neighborhoods Division of the Community Development Department be, and it is hereby approved.

BE IT FURTHER RESOLVED that the negotiation of said contract by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-174

A RESOLUTION SUPPORTING STANISLAUS AREA ASSOCIATION OF GOVERNMENTS
(SAAG) TRANSIT COST-SHARING FORMULA

WHEREAS, the Stanislaus Area Association of Governments (SAAG) is designated as the Transportation Planning Agency with the responsibility to administer the Transportation Development Act (TDA); and

WHEREAS, as a part of the TDA claim submittal and approval process, Stanislaus County Transit fees have been subtracted from each jurisdiction's apportionment; and

WHEREAS, each of the jurisdictions in Stanislaus County desires a cooperative process for funding transit in Stanislaus County; and

WHEREAS, the SAAG Policy Board previously approved the transit cost-sharing approach by Resolutions 94-38 and 95-45; and

WHEREAS, criteria for cost containment has been approved by the SAAG Policy Board; and

WHEREAS, a formula apportionment of funds after the transit services have been funded has been approved by the SAAG Policy Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the SAAG effort to request State Legislators to introduce appropriate legislation to amend the Transportation Development Act to allow the Transit Cost-sharing process is hereby supported.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1996, by Councilmember Friedman, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 96-175

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO PAINT AND OUTFIT THE NEW POLICE DEPARTMENT CRIME SCENE IDENTIFICATION VAN.

WHEREAS, the current Police Department Crime Scene Identification Van is twelve years old and too small to be refurbished to carry the department's new, technologically current crime scene identification equipment.

WHEREAS, the new van will have the capacity to process crime scene evidence, including blood borne pathogens, at the sites of the crimes and/or accidents.

WHEREAS, the new Crime Scene Identification Van is not usable, in the field, until it is outfitted.

WHEREAS, the new Crime Scene Identification Van will be utilized at Major Injury Traffic Accidents, Homicide Investigations and Other Major Crime Scene Investigations such as Rape and Robbery.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses-Revenue		Increase (Decrease)
010-190-1921-5000	Non-CIP	\$10,000
010-190-1921-7202	Revenue	\$10,000

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 9th day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-176

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF GENE D'ACCARDO FROM THE CULTURE COMMISSION, EFFECTIVE APRIL 9, 1996

WHEREAS, Gene D'Accardo was appointed a member of the Culture Commission on June 13, 1995; and

WHEREAS, Gene D'Accardo has tendered his resignation from the Culture Commission, effective April 9, 1996; and

WHEREAS, Gene D'Accardo 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 Gene D'Accardo from the Culture Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Gene D'Accardo 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 9th day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-177

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF PAUL VENTIMIGLIA FROM THE LANDMARK PRESERVATION COMMISSION, EFFECTIVE APRIL 9, 1996

WHEREAS, Paul Ventimiglia was appointed a member of the Landmark Preservation Commission on April 11, 1995; and

WHEREAS, Paul Ventimiglia has tendered his resignation from the Landmark Preservation Commission, effective April 9, 1996; and

WHEREAS, Paul Ventimiglia 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 Paul Ventimiglia 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 Paul Ventimiglia 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 9th day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-178

A RESOLUTION APPOINTING PAUL HORN, CAROLYN FRASER, AND MARY VAN LOON 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. Paul Horn, term expiration January 1, 1997, Carolyn Fraser,
term expiration January 1, 2000, and Mary Van Loon, term expiration January 1,
2000, are hereby appointed to the Human Relations Commission.

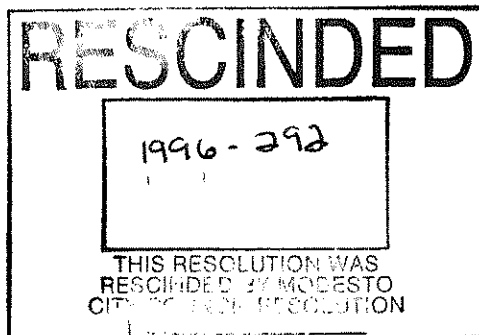
SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the newly appointed members of the Human Relations Commission,
and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 9th day of April, 1996, by
Councilmember McKinsey, 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, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher



ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-179

A RESOLUTION APPOINTING RAYMOND FELLER 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. Raymond Feller is hereby appointed to the Planning Commission, term expiration 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 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 9th day of April, 1996, by Councilmember McKinsey, 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, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-180

A RESOLUTION APPOINTING STEVE JALBERT TO THE REDEVELOPMENT ADVISORY
COMMISSION

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

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

SECTION 1. Steve Jalbert is hereby appointed to the Redevelopment
Advisory Commission.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 9th day of April, 1996, by
Councilmember McKinsey, 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, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-181

A RESOLUTION APPOINTING COUNCILMEMBER GERALD MCKINSEY TO THE JOINT POWERS AUTHORITY (JPA) FOR THE TURLOCK IRRIGATION DISTRICT AREA SURFACE WATER PROJECT AND STAFF MEMBER MICHAEL GILTON AS ALTERNATE MEMBER

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

SECTION 1. Councilmember Gerald McKinsey is hereby appointed to the Joint Powers Authority for the Turlock Irrigation District, and staff member Michael Gilton is hereby appointed as an alternate member.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Joint Powers Authority (JPA) and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of April, 1996 by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-182

A RESOLUTION CONFIRMING THE REPORT OF THE SUPERINTENDENT OF STREETS CONCERNING THE COST OF PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION

WHEREAS, Chapter 27 of Part 3 of Division 7 of Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Council did, on September 5, 1995, adopt its Resolution No. 95-433, ordering the construction of improvements along certain alleys and directing the Superintendent of Streets to give notice requiring such improvements; and

WHEREAS, in compliance with the provisions of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of paving abutting the property hereafter described; and

WHEREAS, April 16, 1996 at 7:00 p.m. in the Council Chambers, located in the City Hall, 801 11th Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement; which report is as set forth in "EXHIBIT A", which is attached hereto and made a part hereof by this reference. Moreover, said Council received the report as submitted, and 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 report of the Superintendent of Streets is hereby confirmed and the cost of such work is set forth in said "EXHIBIT A".

SECTION 2. That the cost of the aforesaid work may be paid in a lump sum or may be assessed in three annual installments as a special assessment

against the parcel(s) of property fronting upon the work so constructed.

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of seven percent (7%) per annum, interest to begin to run on the 31st day after the adoption of this resolution.

SECTION 4. In accordance with the provisions of Section 5893 and 5895 of Streets and Highways Code, it is hereby ordered that the notice of each annual installment of said assessment be delivered to the Stanislaus County Auditor, and the amount shall be collected together with all other taxes thereon against the property. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

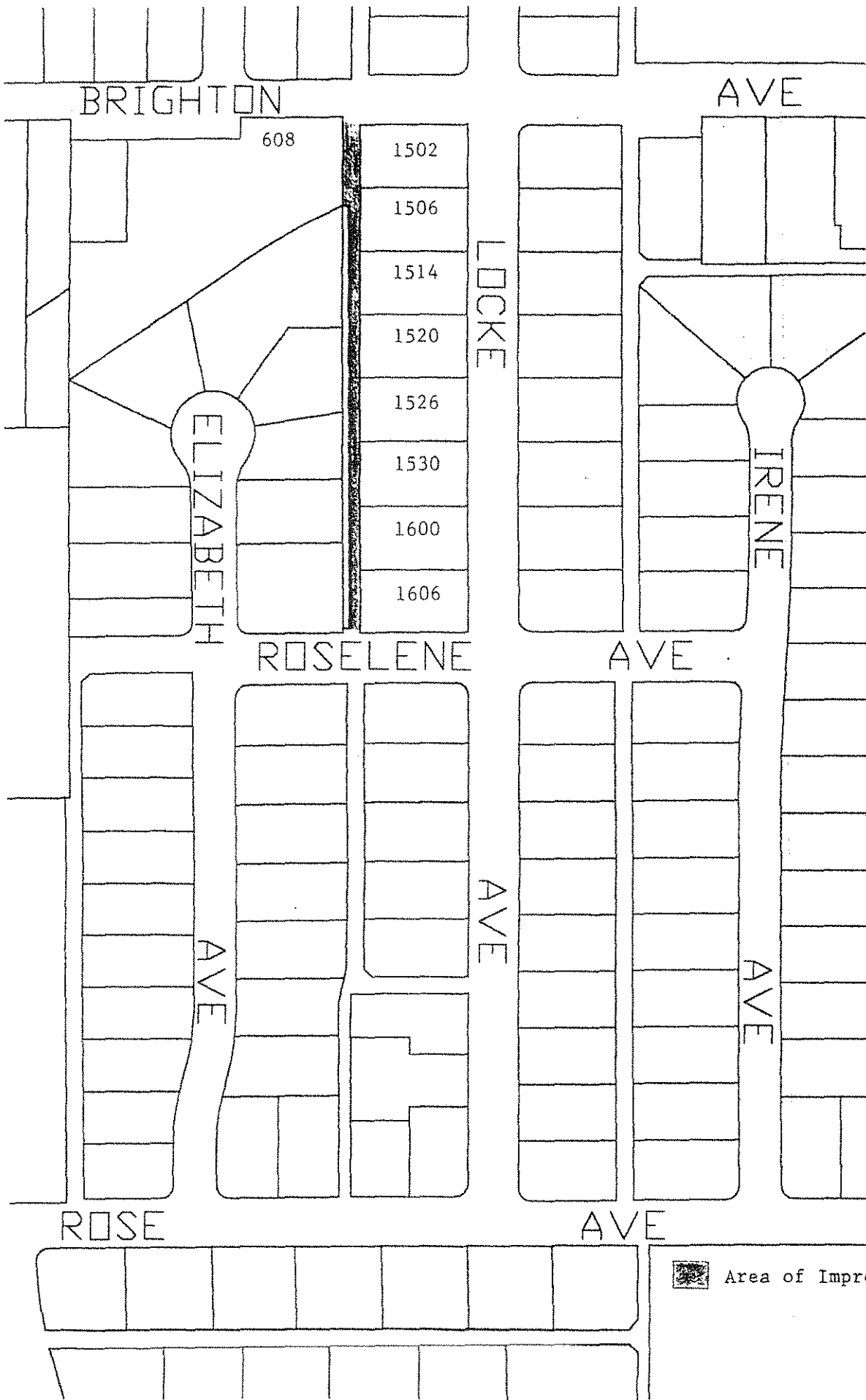
AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

RESIDENTIAL ALLEY PAVING PROJECT NO. 18

[BLOCK 1024] LOCATION: Brighton Avenue to Roselene Avenue, between Locke Road and Elizabeth Court

SITE ADDRESS / ASSESSOR'S PARCEL NO. / L.F. OF ALLEY FRONTAGE / COST	PROPERTY OWNER AND MAILING ADDRESS	LEGAL DESCRIPTION
1606 Locke Road A.P.N. 002-001 032-1308-101 73.52 / \$1,046.19	Brannon, Geneva E, 1606 Locke Rd Modesto CA 95355-4356	Lot 8 of Block 1024 of Locke Tract as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records
1600 Locke Road A.P.N. 002-001 032-1309-101 75.0 / \$1,067.25	Reece, Randy A, et ux 1600 Locke Rd Modesto CA 95355-4356	Lot 7 of Block 1024 of Locke Tract as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records
1530 Locke Rd A.P.N. 002-001 032-1310-101 75.0 / \$1,067.25	Bowles, Delbert L, et ux 1530 Locke Rd Modesto CA 95355-4356	Lot 6 of Block 1024 of Locke Tract as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records
1526 Locke Road A.P.N. 002-101 032-1311-261 75.0 / \$1,067.25	Raney, Joseph W Jr, et ux 1803 Ensen Av Modesto CA 95350-3112	Lot 5 of Block 1024 of Locke Tract as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records
1520 Locke Road A.P.N. 002-001 032-1312-101 75.0 / \$1,067.25	Zigounakis, Jerry, et ux 1520 Locke Rd Modesto CA 95355-4344	Lot 4 of Block 1024 of Locke Tract as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records
1514 Locke Road A.P.N. 002-001 032-1313-111 75.0 / \$1,067.25	Miller, Clair R Jr, et ux 1514 Locke Rd Modesto CA 95355-4344	Lot 3 of Block 1024 of Locke Tract as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records
1508 Locke Road A.P.N. 002-001 032-1314-201 75.0 / \$1,067.25	Fowler, Orval D 2340 Manor Oak Dr Modesto CA 95355-9108	Lot 2 of Block 1024 of Locke Tract as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records
1502 Locke Road A.P.N. 002-001 032-1315-020 75.0 / \$1,067.25	George, Amour, et ux 1439 Redmund Av San Jose, CA 95120	Lot 1 of Block 1024 of Locke Tract as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records
608 Brighton Avenue A.P.N. 002-001 032-1319-960 105.07 / \$1,495.15	County Housing Authority P O Box 3958 Modesto, CA 95352	Portion of Block 1024 of Locke Tract as per map filed July 24, 1946 in Volume 14 of Maps, Page 67, Stanislaus County Records



MODESTO CITY COUNCIL
RESOLUTION NO. 96-183

A RESOLUTION APPROVING THE RECREATION ON CAMPUS FOR KIDS (R.O.C.K.S.)
PROGRAMS ON INDIVIDUAL SCHOOL CAMPUSES AND ESTABLISHING FEE SCHEDULE

WHEREAS, the Management Audit of the Parks and Recreation Department recommended that the After School Recreation Program be expanded to insure service to all youth of the Modesto area and that those programs be cost effective; and

WHEREAS, the Parks and Recreation Department has proposed recreation programs on school campuses to provide positive recreational activities which build self-esteem, team cooperation and social interaction; and

WHEREAS, staff has developed an agreement for school districts which will allow individual schools in all of the districts in the City to purchase the program for their sites, and the program will be self-supporting; and

WHEREAS, the Parks and Recreation Department has recommended the implementation of fees relating to Recreation on Campus For Kids (R.O.C.K.S.) recreational program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the recommendation of the Parks and Recreation Department for establishing the Recreation on Campus For Kids (R.O.C.K.S.) recreational program and a fee schedule, as specified in the program outlined entitled "City of Modesto Parks and Recreation Department Leisure Services

Section/Child Services Division Recreation on Campus For Kids (R.O.C.K.S.)," a copy of which is marked Exhibit "A" and the fee schedule, a copy of which is marked Exhibit "B" and attached hereto and incorporated herein by reference, are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

CITY OF MODESTO PARKS AND RECREATION DEPARTMENT
LEISURE SERVICES SECTION/CHILD SERVICES DIVISION
RECREATION ON CAMPUS FOR KIDS (R.O.C.K.S.)

PROGRAM BENEFITS

- activities for children and youth during and after school hours.
- quality supervision.
- opportunity for participants to develop life long interests and skills in positive leisure activities.
- peer socialization.
- individual and team encouragement and support.

PROGRAM ACTIVITIES

- creative arts and crafts.
- noon time games and sports.
- team and individual activities.
- low organized non-competitive games.
- after school games and sport activities.

PROGRAM GUIDELINE

- 1) Site will provide adequate facilities to conduct program and store program materials.
- 2) The Parks and Recreation Department will supply staff as indicated by Plan selected.
- 3) School Site Staff will determine age group(s) to participate in activities (Kindergarten through third grade, fourth through sixth [fifth] grade or [sixth], seventh and eighth grade).
- 4) Each Recreation Leader will supervise a maximum of 40 youth.
- 5) The Parks and Recreation Department will purchase basic supplies for the program. The cost of these supplies is included in each Plan.
- 6) The Parks and Recreation Department will be in charge of all direct supervision and placement of staff at the School Site.
- 7) The Parks & Recreation Department will train and supervise Recreation Leaders who are assigned to the site.
- 8) Recreation Leaders will be fingerprinted and maintain basic first-aid card.

EXHIBIT "A"

(PER 12 WEEKS)

PLAN	# OF LEADERS	HOURS PER DAY	DAYS PER WEEK	TOTAL COST
A	2	2	4	\$2,160.00
B	2	2	3	\$1,695.00
C	2	2	2	\$1,327.00
D	2	2	1	\$ 858.00

EXHIBIT "B"

MODESTO CITY COUNCIL
RESOLUTION NO. 96-184

A RESOLUTION ACCEPTING THE BID OF COM-AID AS LOW RESPONSIVE AND RESPONSIBLE BIDDER AND AUTHORIZING THE PURCHASE OF TELEPHONE HARDWARE AND SOFTWARE UPGRADES

WHEREAS, the bids received for the purchase of telephone hardware and software upgrades were opened at 11:00 a.m. on March 25, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Com-Aid be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Com-Aid 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 April, 1996, by Councilmember McKinsey, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-185

A RESOLUTION ACCEPTING THE PROJECT TITLED TRAFFIC SIGNAL MODIFICATIONS AT WEST ORANGEBURG AVENUE AND TULLY ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Traffic Signal Modifications at West Orangeburg Avenue and Tully Road, has been completed by Collins Electrical Company, in accordance with the contract agreement dated February 7, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Traffic Signal Modifications at West Orangeburg Avenue and Tully Road be accepted from said contractor, Collins Electrical Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$102,350.00 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 16th day of April, 1996, by Councilmember McKinsey, 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, McKinsey, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-186

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF FIVE HAND-HELD COMPUTERIZED PARKING TICKET TRACKING SYSTEMS FROM CARDINAL TRACKING

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of five hand-held computerized parking ticket tracking systems is hereby waived.

BE IT FURTHER RESOLVED that purchase of five hand-held computerized parking ticket tracking systems from Cardinal Tracking for a not to exceed price of \$27,492.62.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1996, by Councilmember McKinsey, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-187

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF AN AIR CONDITIONING CHILLER FROM CHAMPION INDUSTRIAL CONTRACTORS OF MODESTO

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of an air conditioning chiller is hereby waived.

BE IT FURTHER RESOLVED that purchase of an air conditioning chiller from Champion Industrial Contractors of Modesto for a not to exceed price of \$28,231.62 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1996, by Councilmember McKinsey, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION 96-188

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO APPROPRIATE FUNDS FROM THE BUILDING SERVICES FUND CONTINGENCY RESERVE TO A NON-CAPITAL IMPROVEMENT ACCOUNT FOR THE PURCHASE AND INSTALLALATION OF A REBUILT CHILLER FOR THE POLICE BUILDING AIR CONDITIONING SYSTEM .

WHEREAS, for the past two years approximately \$30,000 has been spent to maintain a thirty year old air conditioning system located in the Police Department Building.

WHEREAS, recently the compressor unit (chiller) catastrophically failed and is beyond economic repair partly due to the unavailability of parts for a thirty year old system.

WHEREAS, due to the urgency of replacing the failed compressor two options were pursued. The first was to replace the compressor with a new unit which was estimated to exceed \$100,000 due to several system modifications that would be required.

WHEREAS, the second option was to replace the unit with a 'newer' re-conditioned compressor for less than \$30,000.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses		Increase (Decrease)
0780-800-8000-8003	Building Services Fund Reserve	(\$30,000)
0780-350-3512-5637	Capital Non-CIP - Chiller	\$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 16th day of April, 1996, by Councilmember Mckinsey, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-189

A RESOLUTION AUTHORIZING THE EXPENDITURE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE PURCHASE AND INSTALLATION OF STREET TREES IN PRESCOTT ESTATES AND AMENDING THE CONSOLIDATED PLAN

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the expenditure of Community Development Block Grant Funds in the amount of \$7,265.00 for the purchase and installation of street trees in Prescott Estates and the amending of the Consolidated Plan be, and is hereby approved.

BE IT FURTHER RESOLVED that the Consolidated Plan - Action Plan for fiscal Year 1995-96 is hereby amended.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of April, 1996, by Councilmember McKinsey, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-190

A RESOLUTION APPROVING THE FINAL MAP OF THE SYMPHONY PLACE NO. 3 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Sarjak Enterprises, Inc., a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 3.59 acres, known as Symphony Place No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council of the City of Modesto on the 7th day of December, 1993, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Symphony Place No. 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,

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-190

A RESOLUTION APPROVING THE FINAL MAP OF THE
SYMPHONY PLACE NO. 3 SUBDIVISION OF THE CITY
OF MODESTO.

WHEREAS, Sarjak Enterprises, Inc., a California Corporation, is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 3.59 acres, known as Symphony Place No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council of the City of Modesto on the 7th day of December, 1993, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Symphony Place No. 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 April, 1996, by Councilmember McKinsey, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-191

A RESOLUTION ACCEPTING THE BID OF CENTRAL CALIFORNIA PAVING COMPANY FOR \$177,968.99 FOR SPRING 1996 SIDEWALK REPAIR PROJECT

WHEREAS, the bids received for Sidewalk Repair Spring 1996 were opened at 2:05 p.m. on April 9, 1996, 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 Central California Paving 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 Central California Paving 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 23rd day of April, 1996, 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, Friedman, McClanahan,
McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY E. HALL, Acting City Clerk

Cleek

**MODESTO CITY COUNCIL
RESOLUTION 96-192**

**A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE
ADDITIONAL FUNDING FOR A NEW CIP PROJECT, SIDEWALK REPAIRS FOR 1996.**

WHEREAS, this project is part of an ongoing effort to reduce tripping hazards on sidewalks which have been damaged by street tree roots. It was originally budgeted in the General Fund Street Maintenance organization in the maintenance and repair account.

WHEREAS, due to the size of the project, and the fact that the project is being done by an outside contractor which requires Construction Administration oversight, this resolution will decrease the expenditures in the General Fund, and set up a new CIP project in fund 070, the Gas Tax Fund.

WHEREAS, this resolution will also decrease the transfer into General Fund from the Gas Tax fund. This transfer supported the sidewalk repair expenditure.

The following adjustments are necessary:

Gas Tax Fund 070

Fund/Agy/Org		Increase (Decrease)
Expenditures		
070-430-F813-6040	Sidewalk Repairs, 1996	\$140,205
070-700-7000-7010	Transfer Out to General Fund	(\$140,205)

General Fund

Revenues		
010-700-7000-9070	Transfer In From Fund 070	(\$140,205)
Expenditures		
010-460-4612-0360	Real Property Maintenance and Repair	(\$140,205)

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 23rd day of April, 1996, 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, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-193

A RESOLUTION ACCEPTING THE BID OF CENTRAL JANITORS SUPPLY AND RANDIK PAPER COMPANY OF MODESTO AS THE LOW RESPONSIVE AND RESPONSIBLE BIDDERS AND AUTHORIZING THE PURCHASE OF RECYCLED JANITORIAL PAPER PRODUCTS

WHEREAS, the bids received for Recycled Janitorial paper Products were opened at 11:00 a.m. on April 3, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bids of Central Janitors Supply and Randik Paper Company of Modesto be accepted as the lowest responsible bids.

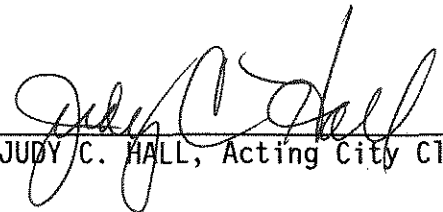
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Central Janitors Supply and Randik Paper Company of Modesto be accepted and the execution of contracts for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1996, 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, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-194

A RESOLUTION ACCEPTING THE PROJECT TITLED WATER TANK NO. 4 AND WELL NO. 54
INSTALLATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Water Tank No. 4 and Well No. 54 Installation, has been completed by Auburn Constructors Inc., in accordance with the contract agreement dated May 2, 1995.

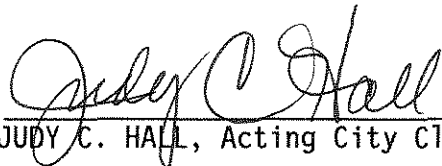
NOW, THEREFORE, BE IT RESOLVED that the Water Tank No. 4 and Well No. 54 Installation be accepted from said contractor, Auburn Constructors Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$901,864.59 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1996, 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, Friedman, McKinsey, McClanahan,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-195

A RESOLUTION ACCEPTING THE BID OF RICKER MACHINERY FOR FURNISHING ONE NEW STREET SWEEPER FOR A TOTAL COST OF \$120,890.80

WHEREAS, Resolution No. 95-517, adopted by the Council of the City of Modesto on November 7, 1995 approved the specifications for furnishing various heavy equipment; and

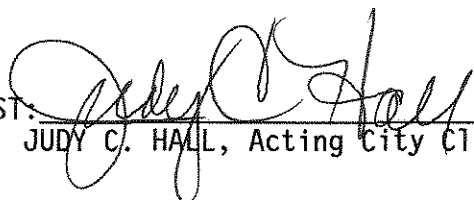
WHEREAS, the bids received for the heavy equipment, were opened at 11:00 a.m. on November 29, 1995, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Ricker Machinery for a total amount of \$120,890.80 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ricker Machinery 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 23rd day of April, 1996, 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, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-196

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$5,891 TO COVER INCREASED COST OF ONE DIESEL STREET SWEEPER

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

The amount of \$5,891.00

From: 628 480 F760 6040-40, Village I Right-of-Way Acquisition
To: 628 480 E612 6070, Diesel Street Sweeper

A street sweeper was originally budgeted in FY 94-95 at an estimated cost of \$115,000. This amount was not increased when the account was carried forward an additional year. Bid price for sweeper is \$120,890.80.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1996, 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, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-197

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE LEASE/PURCHASE OF A 105-FOOT HEAVY-DUTY AERIAL APPARATUS FROM PIERCE MANUFACTURING THROUGH GOLDEN STATE FIRE APPARATUS FOR \$517,566

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of a 105-foot heavy duty aerial apparatus is hereby waived.

BE IT FURTHER RESOLVED that lease/purchase of a 105-foot heavy duty aerial apparatus for a not to exceed price of \$517,566 from Pierce Manufacturing through Golden State Apparatus is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1996, 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, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-198

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND TRANSOCEAN FUNDING FOR A FIVE YEAR LEASE/PURCHASE OF A 105-FOOT HEAVY-DUTY AERIAL APPARATUS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease/purchase agreement for a 105-foot heavy-duty aerial apparatus between the City of Modesto and Transocean Funding for a not-to-exceed amount of \$597,000 be, and it is hereby approved.

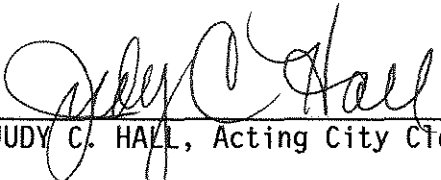
BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1996, 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, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 96-199

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO LEASE-PURCHASE A ONE HUNDRED FIVE (105) FOOT HEAVY DUTY AERIAL APPARATUS REPLACEMENT FIRE VEHICLE.

WHEREAS, the Fire Department needs assessment performed in 1990 resulted in a recommendation to purchase a tractor trailer (tiller) type aerial with access to many business and apartment complexes.

WHEREAS, the major issue is maneuverability and access to over forty one business and apartment complexes. Additionally, the proposed street width in the "Village" area contributes to the need for the apparatus to be capable of increased maneuverability with reduced turning radius.

WHEREAS, staff has found this technology is available only from Pierce Fire Apparatus Manufacturing to address the maneuverability issues.

WHEREAS, the last seven fire engines purchased by the City of Modesto, as the result of competitive solicitation, have been from Pierce Manufacturing. Product quality, reliability and the technical support we receive from Pierce contribute to maintain our operational costs at current levels.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses-Revenue		Increase (Decrease)
130-180-F821-6070	Capital-Fire Apparatus	\$517,566
130-510-9510-8301	Fire Apparatus Acquisition - Lease	\$517,566

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 23rd day of April, 1996, 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, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 96-200

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE THIRD QUARTER OF FISCAL YEAR 1995-96.

WHEREAS, after 3rd quarter financial analysis has been completed, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 95-96.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the changes listed in "Schedule A" be made to the Annual Budget of the City of Modesto for Fiscal Year 95-96.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

SCHEDULE A

FY96		OBJT/			CURRENT	REVISED	
FD	AGY	ORGN	RSRC	LINE-DESCRIPTION	BUDGET	BUDGET	ADJUSTMENT
GENERAL FUND							
REVENUE							
010	510	9510	1110	SUPPLEMENTAL ROLL	154,018	110,000	(44,018)
010	510	9510	1201	SALES AND USE TAX	16,846,762	16,500,000	(346,762)
010	510	9510	1307	GARBAGE FRANCHISE	878,404	925,000	46,596
010	190	1964	2104	DOG LICENSE	122,000	92,703	(29,297)
010	420	4213	2210	ENCROACHMENT PERMITS	28,000	21,000	(7,000)
010	420	4213	2213	STRT CLOSURE & ABANDONMENT F	1,000	100	(900)
010	190	1961	3118	ABANDONED VEHICLE ALLOC	165,000	156,266	(8,734)
010	510	9510	3119	MOTOR VEHICLE LICENSE FEES	6,486,000	6,532,000	46,000
010	190	1921	3128	POLICE TRAINING REIMB-POST	122,750	90,000	(32,750)
010	320	3212	3134	STATE GRANT-PARKS&RECREATION	30,000	0	(30,000)
010	480	4802	3141	USED MOTOR OIL GRANT	331,307	196,676	(134,631)
010	480	4802	3143	DEPT OF CONSERVATION GRANT	68,000	0	(68,000)
010	480	4802	3145	LCC GRANT	2,000	34,163	32,163
010	190	1961	3172	PROP 172 SALES TAX ALLOCATION	311,250	300,000	(11,250)
010	190	1962	3175	CRIME GRANT	475,000	463,000	(12,000)
010	190	1961	3325	CTY HSG AUTH OFFICER REIMB	64,000	98,253	34,253
010	190	1921	3726	SCHOOL GANG OFFICER REIMB	27,500	0	(27,500)
010	190	1921	3727	SCHOOL POLICE REIMB	134,500	107,000	(27,500)
010	190	1921	3729	D.A.R.E. REIMBURSEMENT	0	58,957	58,957
010	030	0303	3750	INTER-AGENCY TRAINING REIMB	3,000	1,000	(2,000)
010	190	1921	4026	DRUG ABUSE PREVENTION	12,000	0	(12,000)
010	190	1961	4028	VEHICLE RELEASES-PD	60,000	65,185	5,185
010	190	1921	4030	REPOSITION RELEASE	3,000	3,625	625
010	190	1961	4043	FALSE ALARM RESPONSE FEE	34,000	36,996	2,996
010	190	1901	4045	JAIL BOOKING FEE	18,000	17,136	(864)
010	160	1601	4050	TRAFFIC MITIGATION	19,570	0	(19,570)
010	460	4612	4051	ST HIWAY MAINTENANCE AGREEME	55,000	17,000	(38,000)
010	450	4512	4052	TRAF SIGNAL MAINT AGREEMENT	6,000	2,000	(4,000)
010	160	1601	4055	STREET NAME SIGNS	1,545	2,500	955
010	180	1832	4060	RFTC REBATE (FIRE)	0	43,000	43,000
010	310	3112	4066	PARKS RESERVATION FEES	0	15,000	15,000
010	320	3212	4070	STREET TREES	10,000	12,800	2,800
010	370	3713	4071	SWIMMING POOL FEES	46,075	39,016	(7,059)
010	370	3713	4072	LEAGUE FEES	114,756	100,000	(14,756)
010	370	3712	4074	MISCELLANEOUS RECREATION	25,692	18,919	(6,773)
010	360	3612	4085	SALARY REIMBURSEMENT AGREEM	7,817	55,000	47,183
010	120	1234	4086	CITATION PROCESSING FEE	1,500	4,200	2,700
010	120	1222	4087	ASSESSMENT PAYOFF FEE	4,223	4,423	200
010	510	9510	4088	BOND REFUNDING FEE	7,725	0	(7,725)
010	120	1222	4091	REVENUE BOND ADMIN FEES	27,500	30,500	3,000
010	510	9510	4092	COPYING FEES	112,988	116,810	3,822
010	180	1822	4095	MISC SPECIAL SERVICE	0	16,587	16,587
010	310	3112	4095	MISC SPECIAL SERVICE	5,000	21,000	16,000
010	480	4802	4100	COMPOST BIN REIMBURSEMENT	2,000	0	(2,000)
010	310	3112	4962	EQUIPMENT RENTAL	2,300	2,500	200
010	510	9510	6101	INTEREST ON BANK ACCOUNTS	933,177	896,777	(36,400)

SCHEDULE A

FY96		OBJT/			CURRENT	REVISED	
FD	AGY	ORGN	RSRC	LINE-DESCRIPTION	BUDGET	BUDGET	ADJUSTMENT
GENERAL FUND							
REVENUE							
010	510	9510	6225	CITY BUILDING RENTAL-OTHER	0	10,829	10,829
010	370	3714	6228	SENIOR CITIZENS CENTER RENTAL	9,000	10,200	1,200
010	510	9510	7113	PARKING FINES	397,823	387,494	(10,329)
010	510	9510	7201	TRUST DEPOSITS FORFEITED	8,135	570	(7,565)
010	190	1901	7202	SEIZED FORFEITURES	50,000	0	(50,000)
010	510	9510	8104	SALE OF PERSONAL PROPERTY	10,300	17,300	7,000
010	510	9510	8110	JURY AND SUBPOENA FEES	3,605	155	(3,450)
010	510	9510	8122	REFUNDS AND DAMAGE RECOVERY	288,800	335,000	46,200
010	300	3001	8123	SPEC EVENTS INSURANCE	10,800	5,150	(5,650)
010	510	9510	8125	TELEPHONE REFUNDS	1,030	1,685	655
010	120	1210	8127	SB90 MANDATED COST RECOVERY	7,000	55,000	48,000
010	120	1223	8128	PRIOR YEAR EXPENSE ABATEMENT	0	850	850
010	510	9510	8131	CASHIER OVERAGE	0	7,000	7,000
010	120	1221	8134	RETURNED CHECK CHARGE	6,500	10,000	3,500
010	410	4112	8140	SALE-STD CONTRACT SPECIFICATIO	1,000	500	(500)
010	050	0501	8143	ITEMS FOR RESALE	6,000	11,715	5,715
010	050	0502	8155	MISCELLANEOUS REVENUE	74,000	83,448	9,448
010	180	1832	8202	SALE OF FIXED ASSETS	6,489	0	(6,489)
				Total Adjustment			(496,853)
010	700	7000	9060	TRANSFER IN FROM FUND 060	107,100	125,000	17,900

SCHEDULE A

FY96		OBJT/			CURRENT	REVISED	
FD	AGY	ORGN	RSRC	LINE-DESCRIPTION	BUDGET	BUDGET	ADJUSTMENT

OTHER FUNDS

REVENUE

060	510	9510	7110	MOTOR VEHICLE FINES	107,500	125,400	17,900
130	700	7000	9010	TRANSFER IN FROM FUND 010	236,545	959,045	722,500
130	700	7000	9610	TRANSFER IN FROM FUND 610	7,107	20,547	13,440
130	700	7000	9615	TRANSFER IN FROM FUND 615	0	4,620	4,620
130	700	7000	9616	TRANSFER IN FROM FUND 616	0	2,940	2,940
130	700	7000	9621	TRANSFER IN FROM FUND 621	7,107	28,107	21,000
130	700	7000	9628	TRANSFER IN FROM FUND 628	0	10,500	10,500
600	510	9510	6101	INTEREST	0	50,000	50,000
610	510	9510	6101	INTEREST	144,600	218,800	74,200
611	480	5013	6101	INTEREST	228,500	71,110	(157,390)
611	700	7000	9610	TRANSFER IN FROM FUND 610	7,868,000	9,543,340	1,675,340
611	701	7001	9615	TRANSFER IN FROM FUND 615	120,000	244,546	124,546
611	701	7001	9616	TRANSFER IN FROM FUND 616	120,000	73,678	(46,322)
612	510	9510	6101	INTEREST	50,000	198,500	148,500
612	700	7000	9610	TRANSFER IN FROM FUND 610	1,082,421	1,063,390	(19,031)
612	700	7000	9615	TRANSFER IN FROM FUND 615	369,000	757,031	388,031
612	700	7000	9616	TRANSFER IN FROM FUND 616	369,000	0	(369,000)
615	510	9510	4201	WATER SALES	3,386,112	3,472,147	86,035
615	510	9510	4202	WATER SALES - METERED	3,525,600	4,521,750	996,150
615	510	9510	4203	SENIOR/DISABLED DISCOUNT	(5,300)	(7,697)	(2,397)
615	510	9510	4204	DELINQUENT SERVICE FEES	70,000	91,200	21,200
615	510	9510	4251	WATER TAP & CONNECTION FEES	20,000	2,000	(18,000)
615	510	9510	6101	INTEREST	30,000	5,000	(25,000)
616	510	9510	4201	WATER SALES	869,784	725,912	(143,872)
616	510	9510	4202	WATER SALES - METERED	1,089,924	592,400	(497,524)
616	510	9510	4203	SENIOR/DISABLED DISCOUNT	(1,650)	(145)	1,505
616	510	9510	4204	DELINQUENT SERVICE FEES	22,000	11,440	(10,560)
616	510	9510	4251	WATER TAP & CONNECTION FEES	10,000	40,990	30,990
616	510	9510	4253	WATER METERS	0	20,410	20,410
616	510	9510	6101	INTEREST	20,000	7,660	(12,340)
625	700	7000	9621	TRANSFER IN FROM FUND 621	0	2,546,587	2,546,587
651	510	9510	3604	FTA-CAPITAL GRANT	4,783,117	4,383,117	(400,000)
720	700	7000	9615	TRANSFER IN FROM FUND 615	40,000	55,000	15,000
720	700	7000	9616	TRANSFER IN FROM FUND 616	106,000	121,000	15,000

MODESTO CITY COUNCIL
RESOLUTION NO. 96-201

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE THIRD QUARTER OF FISCAL YEAR 1995-96.

WHEREAS, after 3rd quarter financial analysis has been completed, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 95-96.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the changes listed in "Schedule A" be made to the Annual Budget of the City of Modesto for Fiscal Year 95-96.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

SCHEDULE A

FY96	OBJT/				CURRENT	REVISED	
FD	AGY	ORGN	RSRC	LINE-DESCRIPTION	BUDGET	BUDGET	ADJUSTMENT
GENERAL FUND							
EXPENDITURES							
010	700	7000	7130	TRANSFER OUT TO FUND 130	236,545	959,045	722,500
010	800	8000	8003	CONTINGENCY RESERVE	3,896,653	2,695,200	(1,201,453)
OTHER FUNDS							
EXPENDITURES							
060	700	7000	7010	TRANSFER OUT TO FUND 010	107,100	125,000	17,900
130	020	F__	6070	RS6000 ACQUISITION	0	175,000	175,000
130	800	8000	8003	CONTINGENCY RESERVE	850,495	1,450,495	600,000 30H
600	800	8000	8003	CONTINGENCY RESERVE	713,090	763,090	50,000 60H
610	480	5012	0110	SALARIES	1,690,330	1,785,420	95,090 61A
610	480	5012	9990	SERVICE CREDITS	(1,072,241)	(1,167,331)	(95,090) 61F
610	700	7000	7130	TRANSFER OUT TO FUND 130	7,107	20,547	13,440 61G
610	700	7000	7611	TRANSFER OUT TO FUND 611	7,868,000	9,543,340	1,675,340 61G
610	700	7000	7612	TRANSFER OUT TO FUND 612	1,082,421	1,063,390	(19,031) 61G
610	800	8000	8003	CONTINGENCY RESERVE	6,140,418	4,544,869	(1,595,549) 61H
611	480	5013	0320	TREATMENT & DELIVERY-DEBT	4,939,468	6,614,808	1,675,340 61W
611	800	8000	8003	CONTINGENCY RESERVE	1,423,667	1,344,501	(79,166) 61R
612	800	8000	8003	CONTINGENCY RESERVE	555,924	409,102	(146,822) 61X
615	480	5051	0255	SERVICES, CITY FORCES	504,418	551,963	47,545 85B
615	480	5051	0320	TREATMENT & DELIVERY-DEBT	2,044,000	2,521,660	477,660 85C
615	480	5051	0452	INTEREST EXPENSE	0	123,681	123,681 85D
720	480	5814	5635	VEHICLE (5051)	0	15,000	15,000 72E
615	700	7000	7010	TRANSFER OUT TO FUND 010	89,152	108,373	19,221 85G
615	700	7000	7130	TRANSFER OUT TO FUND 130	0	4,620	4,620 85G
615	701	7001	7611	TRANSFER OUT TO FUND 611	120,000	244,546	124,546 85L
615	700	7000	7612	TRANSFER OUT TO FUND 612	369,000	757,031	388,031 85G
615	700	7000	7720	TRANSFER OUT TO FUND 720	40,000	55,000	15,000 85G
615	800	8000	8003	CONTINGENCY RESERVE	756,021	2,454,554	1,698,533 85H
616	480	5061	0210	UTILITIES	241,800	310,300	68,500 86B
616	480	5061	0223	OUTSIDE SVC, MTC & REPAIR	70,626	93,126	22,500 86B
616	480	5061	0255	SERVICES, CITY FORCES	327,264	374,809	47,545 86B
720	480	5814	5636	VEHICLE (5061)	0	15,000	15,000 72E
616	700	7000	7010	TRANSFER OUT TO FUND 010	39,864	20,643	(19,221) 86G
616	700	7000	7130	TRANSFER OUT TO FUND 130	0	2,940	2,940 86G
616	701	7001	7611	TRANSFER OUT TO FUND 611	120,000	73,678	(46,322) 86L
616	700	7000	7612	TRANSFER OUT TO FUND 612	369,000	0	(369,000) 86G
616	700	7000	7720	TRANSFER OUT TO FUND 720	106,000	121,000	15,000 86G
616	800	8000	8003	CONTINGENCY RESERVE	31,538	1,730,071	1,698,533 86H
621	700	7000	7130	TRANSFER OUT TO FUND 130	7,107	28,107	21,000 62G
621	700	7000	7625	TRANSFER OUT TO FUND 625	0	2,546,587	2,546,587 62G
621	800	8000	8003	CONTINGENCY RESERVE	6,994,134	4,426,547	(2,567,587) 62H
625	800	8000	8003	CONTINGENCY RESERVE	(2,546,587)	0	2,546,587 62Z
628	700	7000	7130	TRANSFER OUT TO FUND 130	0	10,500	10,500 68G

SCHEDULE A

FY96	OBJT/				CURRENT	REVISED	
FD	AGY	ORGN	RSRC	LINE-DESCRIPTION	BUDGET	BUDGET	ADJUSTMENT

OTHER FUNDS

EXPENDITURES

628	800	8000	8003	CONTINGENCY RESERVE	1,075,425	1,064,925	(10,500) 68H
651	160	F748	6070	TRANSIT BUSES	795,000	295,000	(500,000) 748
651	800	8000	8003	CONTINGENCY RESERVE	1,543,094	1,643,094	100,000 65H

MODESTO CITY COUNCIL
RESOLUTION NO. 96-202

A RESOLUTION APPROVING PAYMENT OF A \$288,132.03 DEPOSIT TO THE MODESTO IRRIGATION DISTRICT FOR UTILITY POLE RELOCATION IN THE BRIGGSMORE/COFFEE AREA

WHEREAS, the intersection of Briggsmore Avenue and Coffee Road is scheduled to be widened in the summer of 1996; and

WHEREAS, Modesto Irrigation District utility poles must be relocated prior to roadway widening of the Briggsmore/Coffee intersection; and

WHEREAS, Modesto Irrigation District requests payment of a \$288,132.03 deposit prior to pole relocation at the Briggsmore/Coffee intersection.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the payment of a \$288,132.03 deposit, with the right to possibly recover costs of pole relocation in the public right of way at the Briggsmore/Coffee intersection is hereby approved.

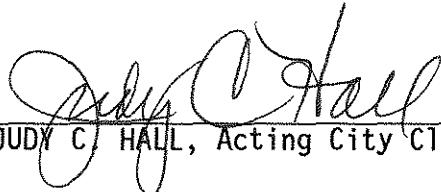
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1996, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JUDY C. HALL, Acting City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 96-203

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO APPROPRIATE FUNDS FROM THE GENERAL FUND CONTINGENCY RESERVE FOR EMERGENCY REPAIR OF THE ROOF AT THE DAISY TREE BUILDING.

WHEREAS, the City purchased the unoccupied Daisy Tree building located at 1016 G Street in 1991.

WHEREAS, after the purchase the Police Activities League has restored part of the building to use for its youth programs.

WHEREAS, the building's roof leaked extensively and could not be repaired with simple patching..

WHEREAS, in order to continue to use the facility repair of the roof was necessary.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses		Increase (Decrease)
010-800-8000-8003	General Fund Contingency Reserve	(\$6,230)
780-350-3512-0223	Emergency Repair	\$6,230

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 23rd day of April, 1996, 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, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-204

A RESOLUTION APPROVING A LOAN AGREEMENT WITH B & B PROPERTIES AND THE ALLOCATION OF UP TO \$60,000 IN HOME FUNDS TO ASSIST IN THE REHABILITATION OF A 14-UNIT RENTAL COMPLEX AT 604 BRIGGS AVENUE

BE IT RESOLVED by the Council of the City of Modesto that a loan agreement with B & B Properties and the allocation of up to \$60,000 in HOME Funds to assist in the rehabilitation of a 14-unit rental complex at 604 Briggs Avenue 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 April, 1996, 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, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-205

A RESOLUTION APPROVING A CAPITAL FACILITIES FEES EXEMPTION AGREEMENT BETWEEN THE CITY OF MODESTO AND PARADISE ROAD PARTNERS FOR A 48-UNIT FAMILY RENTAL PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Capital Facilities Fees Exemption agreement between the City of Modesto and Paradise Road Partners for a 48-unit family rental project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL

RESOLUTION NO. 96- 206

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$11 MILLION PRINCIPAL AMOUNT OF WASTEWATER TREATMENT FACILITY REFUNDING REVENUE BONDS, SERIES 1996, AUTHORIZING AND DIRECTING EXECUTION OF A SECOND SUPPLEMENTAL INDENTURE, AUTHORIZING SALE OF SUCH BONDS, APPROVING AN OFFICIAL STATEMENT, AND AUTHORIZING OTHER OFFICIAL ACTION

WHEREAS, pursuant to the City of Modesto Wastewater Treatment Facilities Revenue Bond Law, constituting Chapter 6 of Title VIII of the Modesto Municipal Code (the "Bond Law"), the City of Modesto, California (the "City") is authorized to issue revenue bonds to provide funds to finance or refinance the costs of the acquisition, construction, and equipping of improvements to the wastewater treatment facilities of the City (the "Enterprise"); and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 84-862 adopted October 23, 1984, the City previously issued its Wastewater Treatment Facility Revenue Bonds, Series 1984, in an aggregate principal amount of \$11,500,000 (the "1984 Bonds") to finance the acquisition, construction, and equipping of improvements to the Enterprise; and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 85-964 adopted December 23, 1985, the City previously issued its Wastewater Treatment Facility Refunding Bonds, Series 1985 (the "1985 Bonds"), in an aggregate principal amount of \$12,720,000 to provide funds to advance refund the 1984 Bonds; and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 87-1242 adopted November 24, 1987 and an Indenture of Trust dated as of December 1, 1987 (the "Indenture") the City previously issued its Wastewater Treatment Facility Refunding Bonds, Series 1987 (the "1987 Bonds"), in an aggregate principal amount of \$11,785,000 to provide funds to advance refund the 1985 Bonds; and

WHEREAS, in accordance with the Bond Law, and pursuant to Resolution No. 93-467 adopted August 10, 1993 and the Indenture, as amended by a First Supplemental Indenture dated as of September 1, 1993, the City previously issued its Wastewater Revenue Bonds, Series 1993 in an aggregate principal amount of \$8,555,000 to finance the acquisition, construction, and equipping of improvements to the Enterprise; and

WHEREAS, the City, after due investigation and deliberation, has determined that it is in the interests of the City at this time to issue its Wastewater Treatment Facility Refunding Revenue Bonds, Series 1996 (the "1996 Bonds"), in an aggregate principal amount not to exceed \$11 million under the Bond Law to provide funds to refund the 1987 Bonds, to fund a reserve account with respect to the 1996 Bonds, and to pay related costs of issuance; and

WHEREAS, the 1996 Bonds are proposed to be issued in accordance with Section 3.04 of the Indenture and pursuant to a Second Supplemental Indenture dated as of April 1, 1996 (as described below); and

WHEREAS, the 1996 Bonds are proposed to be sold to Lehman Brothers (the "Underwriter") pursuant to the Contract of Purchase described below; and

WHEREAS, it is proposed that the City execute and deliver the Continuing Disclosure Agreement described below to allow the Underwriter to comply with Rule 15c2-12(b)(5) of the Securities Exchange Act of 1934; and

WHEREAS, all acts, conditions and things required by the Bond Law and the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the sale and issuance of the Series 1996 Bonds authorized hereby do exist, have happened and have been performed in regular and due time, form and manner required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to issue and sell the Series 1996 Bonds for the purpose, in the manner and upon the terms herein provided;

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

Section 1. Issuance of 1996 Bonds. The City Council hereby authorizes the issuance of its Wastewater Treatment Facility Refunding Revenue Bonds, Series 1996 in an aggregate principal amount not to exceed \$11 million; provided, however, that the 1996 Bonds shall not be issued unless the refunding of the 1987 Bonds with the proceeds of the 1996 Bonds results in either (i) present value savings equal to at least 10% of the principal amount of 1987 Bonds refunded or (ii) debt service savings of at least \$100,000 per year.

Section 2. Second Supplemental Indenture. The City Council hereby approves the form of the Second Supplemental Indenture dated as of April 1, 1996 by and between the City and First Trust of California, National Association (the "Trustee") in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Brown & Wood, Bond Counsel, or by the City Manager or the Director of Finance, whose execution thereof shall be conclusive evidence of his approval of any such additions and changes. The City Manager or the Director of Finance are hereby authorized and directed to execute, and the City Clerk is hereby authorized and directed to attest to said signature on, the final form of the Second Supplemental Indenture for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Second Supplemental Indenture.

Section 3. Contract of Purchase. The City Council hereby approves the form of the Contract of Purchase by and between the City and the Underwriter in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Brown & Wood, Bond Counsel, or by the City Manager or the Director of Finance, whose execution thereof shall be conclusive evidence of his approval of any such additions and changes; provided, however, that the Underwriter's discount shall not exceed 1.5%

and the final maturity of the 1996 Bonds shall be not later than November 1, 2007. The City Manager or the Director of Finance are hereby authorized and directed to execute the final form of the Contract of Purchase for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Contract of Purchase.

Section 4. Continuing Disclosure Agreement. The City Council hereby approves the form of the Continuing Disclosure Agreement by and between the City and the Trustee in substantially the form on file with the City Clerk together with any additions thereto or changes therein deemed necessary or advisable by Brown & Wood, Bond Counsel, or by the City Manager or the Director of Finance, whose execution thereof shall be conclusive evidence of his approval of any such additions and changes. The City Manager or the Director of Finance are hereby authorized and directed to execute the final form of the Continuing Disclosure Agreement for and in the name and on behalf of the City. The City hereby authorizes the delivery and performance of the Continuing Disclosure Agreement.

Section 5. Official Statement. The City Council hereby approves the form of preliminary official statement of the City relating to the 1996 Bonds (the "Preliminary Official Statement") in substantially the form on file with the City Clerk. The City Manager or the Director of Finance is hereby authorized to certify that the Preliminary Official Statement, with such changes therein as the City Manager or the Director of Finance shall approve after consultation with Bond Counsel, is as of its date "deemed final" for purposes of Rule 15c2-12 of the Securities and Exchange Commission. The City Manager or the Director of Finance is hereby authorized and directed to execute for and on behalf of the City a final official statement, in substantially the form of the Preliminary Official Statement, with such changes therein (and additions thereto to reflect the terms of the sale of the 1996 Bonds) as the City Manager or the Director of Finance shall approve after consultation with the Bond Counsel, such approval to be evidenced by the execution and delivery thereof. The Underwriter is hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the 1996 Bonds, and the Underwriter is directed to deliver copies of any final official statement to all actual purchasers of the 1996 Bonds.

Section 6. Official Action. All actions heretofore taken by the officers and agents of the City with respect to the issuance of the 1996 Bonds are hereby approved, confirmed and ratified. The City Manager, the Mayor, the City Clerk, the Director of Finance, the City Attorney and any and all other officers of the City are hereby authorized and directed, for and in the name and on behalf of the City, to do any and all things and take any and all actions, including the negotiating and obtaining of a municipal bond insurance policy or debt service reserve surety bond if the City Manager or Director of Finance, upon the advice of the Financial Advisor, determine that such policy or bond will result in debt service servings to the City, and the execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance, sale and delivery of the 1996 Bonds and the refunding of the 1987 Bonds.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of April 1996, 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, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang
NOES: Councilmembers: None
AYES: Councilmembers: None

ATTEST: Jean Adams
Jean Adams
City Clerk

(S E A L)

APPROVED AS TO FORM:

Michael D. Milich
Michael D. Milich,
City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-207

A RESOLUTION ORDERING THE FAIRVIEW VILLAGE REORGANIZATION TO THE CITY OF MODESTO, ANNEXATION TO THE MODESTO MUNICIPAL SEWER DISTRICT No. 1, AND DETACHMENT FROM THE INDUSTRIAL FIRE PROTECTION DISTRICT

WHEREAS, the Local Agency Formation Commission of the County of Stanislaus, State of California, adopted its Resolution No. 96-07 on February 28, 1996, making determinations and approving the proposal of the City of Modesto to annex to the City of Modesto and to the Modesto Municipal Sewer District No. 1 the territory described in Exhibit "A" attached hereto, and by this reference incorporated herein, and the detachment of the territory from the Industrial Fire Protection District; and

WHEREAS, this action is being taken pursuant to Title 5, Local Agencies - Division 2, Cities, Counties and Other Agencies - Part 4, Conducting Authority Proceedings For Changes of Organization or Reorganization - Chapter 4, Resolution of Conducting Authority; and,

WHEREAS, the type of reorganization being acted on is an annexation of 228.91 acres to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and a detachment of 228.91 acres from the Industrial Fire Protection District; and

WHEREAS, the terms and conditions of the proposal as approved by the Local Agency Formation Commission are as follows:

- (a) It be processed as a reorganization consisting of the annexation of the subject territory to the City of

Modesto and the Modesto Municipal Sewer District No. 1, and the detachment of the territory from the Industrial Fire Protection District; and

WHEREAS, the reasons for this annexation are:

- (a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.
- (b) The proposed annexation will provide a neo-traditional alternative site for development.
- (c) This annexation is a necessary and logical first step in permitting the allocation of City services to this area and its ultimate urban development; and

WHEREAS, the regular county assessment roll will be utilized; and

WHEREAS, any affected territory will be taxed for existing general bonded indebtedness of any agency whose boundaries are changed; and

WHEREAS, a public hearing on this annexation was called for and held by this Council on May 7, 1996, and this Council finds and determines that the value of written protests filed and not withdrawn is by owners of land who own less than 50 percent of the total assessed value of land within the affected territory.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby orders the territory described in Exhibit "A" annexed to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and the detachment of the territory from the Industrial Fire Protection District, and directs the City Clerk to transmit a certified copy of this Resolution with applicable fees required by Section 54902.5 of the Government Code to the executive officer of the Local Agency Formation Commission of

Stanislaus County.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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

ON 3 12 96
BY Kit Mill

FAIRVIEW VILLAGE REORGANIZATION
TO THE CITY OF MODESTO, CALIFORNIA

DESCRIPTION

All that certain real property situate in portions of Sections 7 and 18, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the northwest corner of Lot 30, Block 9210, of "California Glen" according to the Official Map thereof filed for record in Volume 35 of Maps, Page 49, Stanislaus County Records, being on the west line of the "Hatch Road No. 5 Reorganization" to the City of Modesto; thence southerly along the west line of said "California Glen", being also said west line of the "Hatch Road No. 5 Reorganization", the following 2 courses:

1. South 0° 19' 10" West 1350.01 feet, and
2. South 0° 17' 22" West 189.96 feet to the northwesterly line of 50 foot wide Turlock Irrigation District Lateral No. 1;

thence South 48° 33' 38" East along said west line of the "Hatch Road No. 5 Reorganization" a distance of 50.00 feet to the southeasterly line of said T.I.D. Lateral No. 1; thence South 41° 26' 22" West along said southeasterly line of T.I.D. Lateral No. 1 a distance of 299.76 feet to the northwesterly corner of the "Fairview Tract" according to the Official Map thereof filed for record in Volume 17 of Maps, Page 16, Stanislaus County Records; thence South 0° 10' 30" West along said west line of the "Fairview Tract" a distance of 2166.88 feet to the existing north right-of-way line of Whitmore Avenue; thence South 89° 52' 30" East along said north line of Whitmore Avenue, being the south line of a Stanislaus County Road Abandonment recorded in Volume 1199 of Official Records, Page 521, Stanislaus County Records, parallel with and 10.00 feet south of the south line of Block 9712 of said "Fairview Tract", a distance of 467.50 feet to the southerly extension of the west line of Lot 15, Block 9712, of said "Fairview Tract"; thence North 0° 10' 30" East along said southerly extension of the west line of Lot 15 a distance of 10.00 feet to the southwest corner of said Lot 15; thence South 89° 52' 30" East along the south line of said Lot 15 a distance of 60.50 feet to the southeast corner of said Lot 15; thence South 0° 10' 30" West along the southerly extension of the east line of said Lot 15 a distance of 10.00 feet; thence South 89° 52' 30" East along said north line of Whitmore Avenue, parallel with and 10.00 feet south of the south line of said Block 9712, a distance of 60.50 feet to the southerly extension of the west line of Lot 13, Block 9712, of said "Fairview Tract"; thence North 0° 10' 30" East along said southerly extension of the west line of Lot 13 a distance of 10.00 feet to the southwest corner of Lot 13; thence South 89° 52' 30" East along the south line of said Lot 13 a distance of 60.50 feet to the southeast corner of said Lot 13; thence South 0° 10' 30" West along the southerly extension of the east line of said Lot 13 a distance of 10.00 feet; thence South 89° 52' 30" East along said north line of Whitmore Avenue, parallel with and 10.00 feet south of the south lines of Blocks 9712 and 9713 of said "Fairview Tract", a distance of 818.04 feet to the west line of the "Whitmore No. 3 Annexation" to the City of Modesto; thence South 0° 10' 30" West along said west line of the "Whitmore No. 3 Annexation" and southerly extension thereof a distance of 60.00 feet to the existing

FAIRVIEW VILLAGE REORGANIZATION
TO THE CITY OF MODESTO, CALIFORNIA

south right-of-way line of Whitmore Avenue; thence westerly along said existing south line of Whitmore Avenue the following 3 courses:

1. North 89°52'30" West parallel with and 20.00 feet south of the south line of said Section 7, a distance of 2653.66 feet to the northerly extension of the east line of Parcel 'B' as shown on map recorded in Book 31 of Parcel Maps, Page 78, Stanislaus County Records,
2. South 0°11'00" West along said northerly extension of the east line of Parcel 'B' a distance of 35.00 feet to the northeast corner of said Parcel 'B',
3. North 89°52'30" West along the north lines of said Parcel 'B' and Parcel 'A' of said Parcel Map a distance of 619.19 feet to the southerly extension of the east line of Parcel 'C' as shown on map recorded in Book 42 of Parcel Maps, Page 2, Stanislaus County Records;

thence northerly along said east line of Parcel 'C' and the southerly extension thereof the following 2 courses:

1. North 0°17'15" West 877.58 feet and
2. North 0°15'37" West 1132.00 feet;

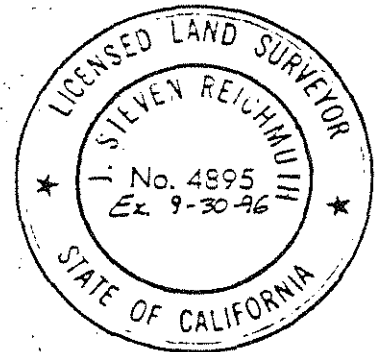
thence North 89°51'55" West 975.00 feet; thence North 0°15'37" West 918.00 feet; thence South 89°51'55" East 326.48 feet to the east line of Parcel 'A' as shown on said Parcel Map recorded in Book 42 of Parcel Maps, Page 2; thence

North 0°32'31" East along said east line of Parcel 'A' and northerly extension thereof, a distance of 1091.67 feet to the southerly right-of-way line of a 90 foot wide Hatch Road; thence North 0°05'30" East along the west line of land described in Quit Claim Deed to the County of Stanislaus, City of Modesto and City of Ceres filed for record September 25, 1980 as Instrument No. 19266, Stanislaus County Records, a distance of 266.00 feet more or less to the centerline of the Tuolumne River; thence easterly along said centerline of the Tuolumne River, being also the southerly line of the "Modesto Sewage Disposal Plant Annexation" to the City of Modesto, the following 3 courses:

1. North 88°30'00" East 1031.00 feet,
2. North 85°00'00" East 820.00 feet, and
3. South 85°30'00" East 790.00 feet to the northerly extension of the west line of land described in Deed to Lemmie C. McKinsey recorded in Volume 1627 of Official Records, Page 22, Stanislaus County Records;

thence South 0°19'10" West along said west line of McKinsey Land and northerly extension thereof, being also said west line of "Hatch Road No. 5 Reorganization", a distance of 245.00 feet to said south line of 90 foot wide Hatch Road; thence continuing South 0°19'10" West along said west line of "Hatch Road No. 5 Reorganization" a distance of 22.50 feet to the point of beginning.

Containing: 230.96 Acres



Approved as to description
ON 3-12-96
BY *[Signature]*

[Signature]

EXISTING CITY LIMITS LINE (TYP.)

MODESTO SEWAGE DISPOSAL PLANT
3-07-50

TUOLUMNE RIVER

APN 56-27-08

APN 56-27-08

APN 56-28-11

APN 56-28-11

EXISTING PROPERTY LINE (TYP.)

SCALE: 1" = 600'

- 1 S. 0°19'10"W. 1350.01'
- 2 S. 0°17'22"W. 189.96'
- 3 S. 48°33'38"E. 50.00'
- 4 S. 41°26'22"W. 299.76'
- 5 S. 0°10'30"W. 2166.88'
- 6 S. 89°52'30"E. 467.50'
- 7 N. 0°10'30"E. 10.00'
- 8 S. 89°52'30"E. 60.50'
- 9 S. 0°10'30"W. 10.00'
- 10 S. 89°52'30"E. 60.50'
- 11 N. 0°10'30"E. 10.00'
- 12 S. 89°52'30"E. 60.50'
- 13 S. 0°10'30"W. 10.00'
- 14 S. 89°52'30"E. 818.04'
- 15 S. 0°10'30"W. 60.00'

- 16 N. 89°52'30"W. 2653.66'
- 17 S. 0°11'00"W. 35.00'
- 18 N. 89°52'30"W. 619.19'
- 19 N. 0°17'15"W. 877.58'
- 20 N. 0°15'37"W. 1132.00'
- 21 N. 89°51'55"W. 975.00'
- 22 N. 0°15'37"W. 918.00'
- 23 S. 89°51'55"E. 326.48'
- 24 N. 0°32'31"E. 1091.67'
- 25 N. 0°05'30"E. 266.00'
- 26 N. 88°30'00"E. 1031.00'
- 27 N. 85°00'00"E. 820.00'
- 28 S. 85°30'00"E. 790.00'
- 29 S. 0°19'10"W. 245.00'
- 30 S. 0°19'10"W. 22.50'

SOUTH LINE OF SECTION 7.
T.4 S., R.9 E.

FAIRVIEW VILLAGE REORGANIZATION TO THE CITY OF MODESTO

PREPARED BY:



DELAMARE - FULTZ

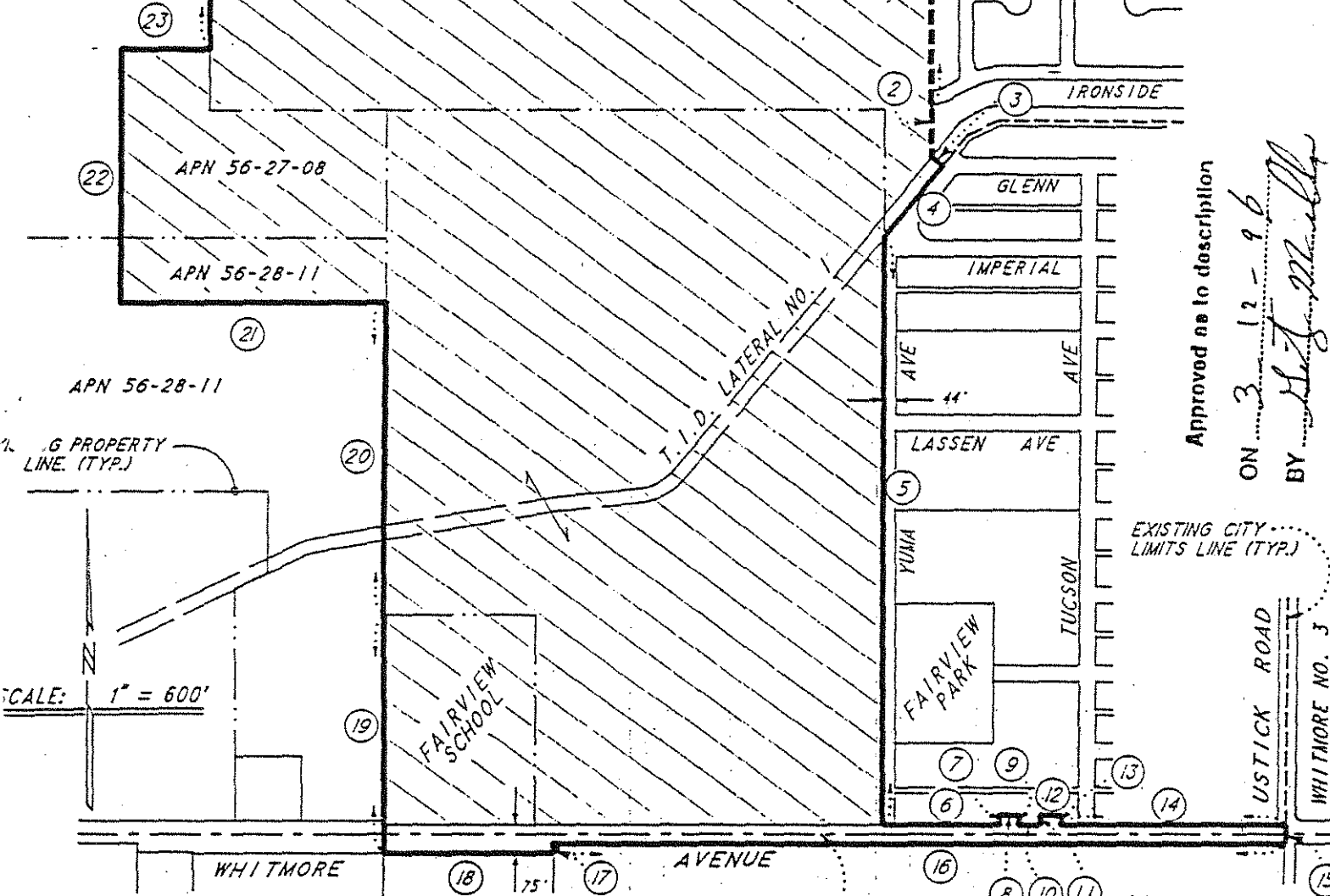
ENGINEERING AND SURVEYING
3421 TULLY ROAD SUITE J MODESTO, CA. 95350
TELEPHONE (209) 529-7450

Approved as to description

ON 3-12-96
BY *[Signature]*

EXISTING CITY LIMITS LINE (TYP.)

WHITMORE ROAD
WHITMORE NO. 3



MODESTO CITY COUNCIL
RESOLUTION NO. 96-208

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
FURNISHING 21,000 POUNDS OF POLYMER

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

SECTION 1. The specifications for Furnishing 21,000 Pounds of Polymer, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 29, 1996 at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-209

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF ONE NEW CAB AND CHASSIS WITH TELESCOPING AERIAL LIFT

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

SECTION 1. The specifications for One New Cab and Chassis with Telescoping Aerial Lift, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 29, 1996 at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-210

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
FURNISHING LANDSCAPE MAINTENANCE SERVICES AT VARIOUS LOCATIONS

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

SECTION 1. The specifications for Landscape Maintenance Services at Various Locations, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 28, 1996 at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-211

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
DIGESTER CLEANING SERVICES

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

SECTION 1. The specifications for Digester Cleaning Services, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 28, 1996 at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-212

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR WATER WELL CONSTRUCTION AND TESTING SERVICES

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

SECTION 1. The specifications for Water Well Construction and Testing Services, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 28, 1996 at 11:15 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-213

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING WATER WELL PUMP REPAIR SERVICE FOR THE CITY'S GROUND WATER PUMPING STATIONS

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

SECTION 1. The specifications for Water Well Pump Repair Service for the City's Ground Water Pumping Stations, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 28, 1996 at 2:05 p.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-214

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR
ELEVATOR MAINTENANCE SERVICE

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

SECTION 1. The specifications for Elevator Maintenance Services, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 28, 1996 at 2:00 p.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-215

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR TIRE
RECAPPING SERVICE REQUIREMENTS

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

SECTION 1. The specifications for Tire Recapping Service Requirements, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 28, 1996 at 2:10 p.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-216

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR UNDERGROUND FUEL TANK REMOVAL/ABOVE GROUND FUEL TANK AND INSTALLATION AT THE POLICE DEPARTMENT

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

SECTION 1. The specifications for Removal of Below Ground Fuel Tank; Installation of Above Ground Unleaded Fuel Tank, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 4, 1996 at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-217

A RESOLUTION ACCEPTING THE BID OF INDUSTRIAL FENCE COMPANY FOR FURNISHING AND INSTALLING CHAIN LINK SECURITY FENCE AT THE WASTEWATER TREATMENT PLANT FOR A TOTAL COST OF \$29,286

WHEREAS, Resolution No. 96-93, adopted by the Council of the City of Modesto on March 5, 1996 approved the specifications for furnishing and installing chain link security fence at the Wastewater Treatment Plant; and

WHEREAS, the bids received for furnishing and installing chain link security fence at the Wastewater Treatment Plant, were opened at 11:00 a.m. on April 16, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Industrial Fence Company for a total amount of \$29,286.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Industrial Fence 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 7th day of May, 1996, 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, McClanahan, McKinsey,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-218

A RESOLUTION ACCEPTING THE PROJECT TITLED COFFEE ROAD - ROAD CONSTRUCTION AND STORM DRAIN AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation 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 August 15, 1995.

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 \$1,849,258.64 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 May, 1996, 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, McKinsey, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-219

A RESOLUTION ACCEPTING THE PROJECT TITLED AIRPORT SIGN UPGRADE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Airport Sign Upgrade, has been completed by Mer-Cal Electric Inc., in accordance with the contract agreement dated November 1, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Airport Sign Upgrade be accepted from said contractor, Mer-Cal Electric Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$106,300.00 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 7th day of May, 1996, 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, McKinsey, McClanahan,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 220

A RESOLUTION ACCEPTING THE BID OF BRISCOE ENTERPRISES AND AUTHORIZING PURCHASE OF SERVICES FOR REMOVAL/BENEFICIAL REUSE OF PRIMARY PLANT WASTEWATER DRIED BIOSOLIDS FOR A PERIOD OF FIVE (5) YEARS BEGINNING WITH FISCAL YEAR 1996-1997

WHEREAS, the bids received for removal/beneficial reuse of primary plant wastewater dried biosolids were opened at 2:00 p.m. on April 9, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Briscoe Enterprises be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Briscoe Enterprises 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 May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-221

A RESOLUTION PROVIDING FOR THE SALE OF
SURPLUS PROPERTY BY SEALED BID, PUBLIC
AUCTION, OR AS SCRAP.

WHEREAS, the City Manager is authorized by Charter
Section 801 to sell surplus personal property of the City of
Modesto with the approval of the City Council, and

WHEREAS, the City possesses a variety of vehicles,
miscellaneous pieces of equipment, surplus, stolen, unclaimed,
and/or seized property which are set forth on a detailed list
entitled "Surplus Property Listing", which is on file in the
office of the City Clerk, and which the Finance
Department/Purchasing Division has requested be placed into
surplus, as these vehicles and equipment are no longer
serviceable by the City, and

WHEREAS, said property could best be sold on a sealed
bid basis; however, if said property does not sell on a sealed
bid basis, said property should then be sold at a public auction
to be conducted by Roger Ernst and Associates on July 6, 1996, at
824 W. Kiernan Avenue, and July 8, 1996, at 501 N. Jefferson,
City Corporation Yard, and 601 11th Street, Police Department
Vehicle Maintenance Shop, and

WHEREAS, if the sealed bid process nor the auction
process brings the desired results, then City staff proposes that
the property will be sold for scrap,

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

SECTION 1. The City Manager or his authorized representative is hereby authorized and directed to sell on a sealed bid basis to the highest bidder the variety of vehicles, miscellaneous pieces of equipment, surplus, stolen, unclaimed, and/or seized property which are set forth on a detailed list entitled "Surplus Property Listing", which is on file in the office of the City Clerk and which are hereby found to be surplus.

SECTION 2. The City Manager is hereby authorized to select a representative for the purpose of conducting the sale described herein.

SECTION 3. If said property cannot be sold on a sealed bid basis as provided for above, then said property may be sold at a public auction utilizing the current agreement which was entered into on October 4, 1988, and which was approved by Council Resolution No. 88-757, which provides for auctioneering services to be provided by Roger Ernst and Associates, subject to the appropriate insurance being on file in the Office of the City Clerk, and subject to at least five (5) days notice before the time fixed for the sale, the City Clerk shall cause notice thereof to be published in The Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and that the lists of the items to

be offered for sale can be inspected in the Office of the City Clerk.

SECTION 4. If said property cannot be sold on a sealed bid process or at a public auction as provided for above, then said property will be sold for scrap.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-222

A RESOLUTION AUTHORIZING FLEET REFUELING THROUGH A PRIVATE VENDOR, AND AUTHORIZING THE PURCHASE OF FUEL FROM BOYETT PETROLEUM FOR ONE YEAR WITH UP TO TWO ADDITIONAL ONE-YEAR EXTENSIONS

WHEREAS, the City of Modesto has fourteen underground fuel tanks and by law must remove and replace the tanks by December 31, 1998; and

WHEREAS, alternatives for providing fuel for City equipment from other than in-ground tanks have been evaluated, and the fueling needs of the City of Modesto can be best met by contracting with private vendors; and

WHEREAS, Boyett Petroleum has demonstrated a willingness to participate in providing fleet refueling facilities for City of Modesto vehicles and equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that fleet refueling through a private vendor is hereby authorized.

BE IT FURTHER RESOLVED that the purchase of fuel from Boyett Petroleum for one year with up to two additional one-year extensions is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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: Dobbs, Fisher, Friedman, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-223

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE CHIPPER FROM EMPIRE EQUIPMENT COMPANY FOR A TOTAL COST OF \$22,548.75

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one chipper from Empire Equipment Company is hereby waived.

BE IT FURTHER RESOLVED that purchase of one chipper from Empire Equipment Company for a not to exceed price of \$22,548.75.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Sean Adams
SEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-224

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF PROVIDING AND INSTALLING THE GFI-GENFARE DATA COLLECTION SYSTEM FOR \$29,303

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of providing and installing the GFI-Genfare Data Collection System is hereby waived.

BE IT FURTHER RESOLVED that purchase of providing and installing the GFI-Genfare Data Collection system for a not to exceed price of \$29,303.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: *Jean Adams*
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-225

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,000 TO FUND PURCHASE OF
COMPUTERIZED FARE AND DATA COLLECTION SYSTEM (GFI-GENFARE)

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

From: 651-160-E500, \$3,000.00 (Bus Stop Improvements)
To: 651-160-E499, \$3,000.00 (Fare Data Collection System)

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-226

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO PROVIDE A GREATER AVENUES FOR INDEPENDENCE JOB PREP/WORK EXPERIENCE WORK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to provide a Greater Avenues for Independence Job Prep/Work Experience Work 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 7th day of May, 1996, 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:

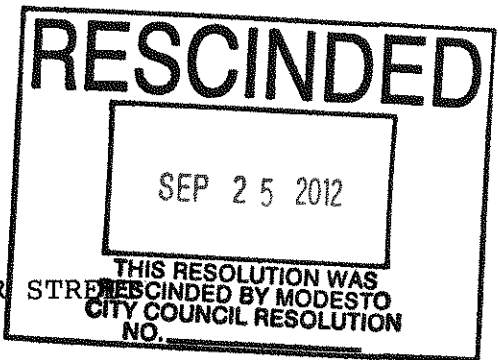
AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Check



MODESTO CITY COUNCIL
RESOLUTION NO. 96-227

A RESOLUTION ESTABLISHING CHARGES FOR
TREES IN SUBDIVISIONS AND RESCINDING
RESOLUTION NO. 93-15.

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO.

2012-384

WHEREAS, Section 4-4.803.1 of the Modesto Municipal Code authorizes the Council by resolution, to establish charges for street trees required in subdivisions, and

WHEREAS, City staff has recommended a decrease in the fee to plant each street tree to reflect decreased costs, and

WHEREAS, the City's Fees Task Force Committee has reviewed and recommended approval of the proposed reduced street trees fees, and the Financial Policy Committee met on April 16, 1996 and also supported the reduced fee, and

WHEREAS, the City Council held a public hearing at a regular meeting on May 7, 1996, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with Section 4-4.803.1 of the Modesto Municipal Code, that for each street tree required to be planted in a subdivision the fee shall be Sixty-six and no/100ths (\$66.00) Dollars.

BE IT FURTHER RESOLVED that Resolution No. 93-15 adopted by the Council on January 5, 1993, is hereby rescinded effective May 8, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-228

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO GARDEN PROJECT FOR THE LEASE OF APPROXIMATELY TWO ACRES OF THE TUOLUMNE RIVER REGIONAL PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Modesto Garden Project for the lease of approximately two acres of the Tuolumne River Regional Park, adjacent to the Wastewater Treatment Plant, for the purpose of growing organic produce 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 May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-229

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE
MODESTO A'S PROFESSIONAL BASEBALL CLUB FOR THE USE OF JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and the Modesto A's Professional
Baseball Club for use of John Thurman Field be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 96-230

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF
MODESTO FOR THE FISCAL YEAR 1995-96 TO REIMBURSE STAFF COSTS
PROCESSING THE CITY'S SPHERE OF INFLUENCE APPLICATION TO LAFCO.

WHEREAS, it has been determined that certain adjustments
are required to the Annual Budget of the City of Modesto to pay the
costs associated with the City's Sphere of Influence Application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Modesto that the 1995-96 Annual Budget be amended as follows:

STRATEGIC FUND
APPROPRIATION/REVENUE ADJUSTMENTS

		APPROPRIATIONS		
FUND/ACCOUNT	DESCRIPTION	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET

General Plan

Appropriations:				
080-140-1432-1402	Sphere of Influence	5,000	4,467	9,467
080-800-8000-8003	Contingency Reserve	122,373	(4,467)	117,906

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-231

A RESOLUTION APPROVING AN AGREEMENT FOR CONSULTANT SERVICES BETWEEN THE CITY OF MODESTO AND DJH ENGINEERING TO CONDUCT A STUDY FOR THE UTILIZATION OF THE CITY'S RANCH LAND AS A PART OF THE WASTEWATER MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for consultant services between the City of Modesto and DJH Engineering to conduct a study for the utilization of the City's ranch land as a part of the Wastewater Master Plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-232

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND SALVATION ARMY - RED SHIELD COMMUNITY CENTER FOR COMPLETION OF CONSTRUCTION OF A SNACK BAR AND RESTROOM FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and Salvation Army - Red Shield Community Center for completion of construction of a snack bar and restroom facilities be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-233

A RESOLUTION ORDERING THE PUBLIC WORKS AND
TRANSPORTATION DIRECTOR TO PREPARE AND FILE
AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK
MEADOWS SUBDIVISION NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council
of the City of Modesto on December 13, 1988, initiated
proceedings for the formation of Landscape Assessment District
No. 1 for the purpose of administering the maintenance of
landscaping in the public right of way within the street medians
and adjacent to the access control walls in Dry Creek Meadows
Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in
accordance with the Landscaping and Lighting Act of 1972 (Streets
and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22622 of the Streets and Highways Code
requires the legislative body (the City Council) to adopt a
resolution which shall generally describe any proposed new
improvements or any substantial changes in existing improvements
and order the engineer to prepare and to file a report
accordingly,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that there being no proposed new improvements or
any substantial changes in existing improvements in Dry Creek
Meadows Subdivisions Nos. 1-6, the Public Works and
Transportation Director, the person designated by this Council as

the Engineer of Work for Assessment District No. 1, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679).

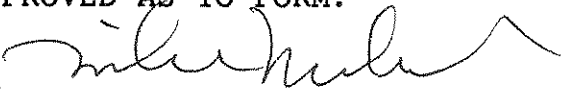
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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. 96-234

A RESOLUTION ORDERING THE PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO PREPARE AND FILE AN ANNUAL REPORT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS NO. 1 & 2.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, 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, e Public Works and Transportation Director, the person designated by this Council as the Engineer of Work for Assessment District No. 2, is hereby directed to prepare and file an annual report in accordance with the provisions of the Landscaping and Lighting Act of 1972, as amended, (Streets and Highways Code Sections 22500 through 22679.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-235

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODEL PHARMACY TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 2400 COFFEE ROAD, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Model Pharmacy to receive utility bill payments from customers at 2400 Coffee Road, Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-236

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PARADISE REXALL DRUGS TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 400 PARADISE ROAD, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Paradise Rexall Drugs to receive utility bill payments from customers at 400 Paradise Road, Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-237

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PAUL'S REXALL DRUGS #1 TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 130 NORTH SANTA CRUZ, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Paul's Rexall Drugs #1 to receive utility bill payments from customers at 130 North Santa Cruz, Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-238

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PAUL'S REXALL DRUGS #2 TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 1031 WEST ORANGEBURG AVENUE, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Paul's Rexall Drugs #2 to receive utility bill payments from customers at 1031 West Orangeburg Avenue, Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-239

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA CHECK CASHING TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 2508 OAKDALE ROAD, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Check Cashing to receive utility bill payments from customers at 2508 Oakdale Road, Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-240

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA CHECK CASHING TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 1320 STANDIFORD AVENUE, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Check Cashing to receive utility bill payments from customers at 1320 Standiford Avenue, Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-241

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND NEW DEAL MARKET TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 1612 CROWSLANDING ROAD, MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and New Deal Market to receive utility bill payments from customers at 1612 Crowslanding Road, Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-242

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND QUESENBERRY'S WATERFORD PHARMACY TO RECEIVE UTILITY BILL PAYMENTS FROM CUSTOMERS AT 12641 BENTLEY ROAD, WATERFORD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Quesenberry's Waterford Pharmacy to receive utility bill payments from customers at 12641 Bentley Road, Waterford 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 May, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-243

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CHAMBER OF COMMERCE FOR OPERATION OF THE CONVENTION AND VISITORS BUREAU

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and the Chamber of Commerce for operation of the Convention and Visitors Bureau be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of May, 1996, 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-244

A RESOLUTION ESTABLISHING PASSENGER FARES FOR
BUS SERVICE ON MODESTO AREA EXPRESS AND DIAL-
A-RIDE SERVICE SUPERSEDING RESOLUTION NOS.
95-218 AND 95-218A.

BE IT RESOLVED by the Council of the City of Modesto
that the following fares are hereby established for passengers
riding on the fixed route buses of the Modesto Area Express:

A. Cash Fares

- | | |
|---|--------|
| 1. Regular Passengers | \$.80 |
| 2. Students (age 5 and older and
full-time college students) | \$.60 |
| 3. Handicapped and Senior Citizens | \$.40 |
| 4. Transfer fare for passengers
transferring from the
Stanislaus County Rural Transit
System to Modesto Area Express | \$.25 |
| 5. Student field trip fare (per
student and/or accompanying
adult, effective only for
elementary or junior high
school field trips prearranged
in accordance with rules set by
the Transit Manager) | \$.45 |

B. Passes and Tickets

- | | |
|---|---------|
| 1. Regular Monthly Pass - full
month | \$31.00 |
| After the 7th of the month | \$23.25 |
| After the 14th of the month | \$15.50 |
| After the 21st of the month | \$ 7.75 |
| 2. Student Monthly Pass - full
month | \$21.00 |
| After the 7th of the month | \$15.75 |
| After the 14th of the month | \$10.50 |
| After the 21st of the month | \$ 5.25 |

3. Senior Citizen/Handicapped Monthly Pass - full month	\$16.00
After the 7th of the month	\$12.00
After the 14th of the month	\$ 8.00
After the 21st of the month	\$ 4.00
4. All day Bus Pass (all passengers)	\$ 1.95
5. Commuter Tickets (Commuter tickets are valid only between the hours of 6:00 a.m. and 10:00 a.m. and from 4:00 p.m. to 6:00 p.m. every day)	\$31.00 for 50 rides
6. Regular Passenger Ticket Books	\$40.00 for 50 rides
7. Student Passenger Ticket Books	\$30.00 for 50 rides
8. Senior Citizen/Handicapped Ticket Books	\$20.00 for 50 rides

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the following fares are hereby established for passengers riding on the City of Modesto's Dial-A-Ride service:

Regular Cash Fare	\$ 1.60
Ticket Books (containing 10 tickets)	\$11.00

BE IT FURTHER RESOLVED that the above fees and this resolution shall become effective on July 15, 1996.

BE IT FURTHER RESOLVED that Resolution Nos. 95-218 and 95-218A are hereby superseded effective July 15, 1996.

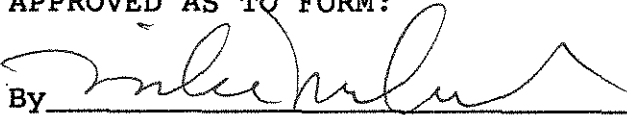
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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. 96-245

A RESOLUTION ADOPTING AMENDMENT NO. 7.1 TO THE PRECISE PLAN PORTION OF THE VILLAGE ONE SPECIFIC PLAN, LOCATED IN THE NORTHEAST AREA OF MODESTO IN AN AREA BOUNDED BY OAKDALE ROAD LANDS NORTH OF SYLVAN AVENUE, THE SANTA FE RAILROAD, BRIGGSMORE AVENUE, ROSELLE AVENUE, AND FLOYD AVENUE, TO DELETE THE MULTIPLE-FAMILY DEVELOPMENT DESIGNATION FROM PRECISE PLANNING AREA (PPA) NO. 33.

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

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, and

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

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan for the purpose of adoption of an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan for the purpose of improving technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to

the Village One Specific Plan for the purpose of rewriting and reorganizing the Plan to be implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH #90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan for the purpose of making four revisions to the Specific Plan including: 1) widening of Floyd Avenue from three to five Lanes, 2) realignment of the Claus/Sylvan intersection, 3) deletion of the non-potable water supply for public landscaping, and 4) integration of Mitigation Monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan which included revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 for the purpose of revising the school and park sites within the Specific Plan and redistributing residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by

Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to reduce costs and to implement recommendations to increase the marketability of development within the Village One Area, and

WHEREAS, applications were filed on March 18, 1996, by Lew-Garcia-Davis, Engineers, on behalf of Inland Westpointe Partnership and Village Ventures One Limited Partnership for amendments to the Village One Specific Plan, for among other things, to delete the multiple-family development designation from the Precise Plan for Area No. 8, (PPA No. 8), and Precise Plan for Area No. 33, (PPA No. 33) respectively, and

WHEREAS, a public hearing was held by the Planning Commission of the City of Modesto on April 1, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, after considering public comments, the Planning Commission, by Resolution 96-16, recommended to the City Council approval of an amendment to the Village One Specific Plan to delete the multiple-family development designation from the precise plan for PPA No. 8 and PPA No. 33, and

WHEREAS, said matter was set for a public hearing of the Council of the City of Modesto to be held on May 14, 1996, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, a report to the City Council dated May 9, 1996 was submitted from the Community Development Department which contained alternatives from the Planning Commission and the Community Development and Housing Committee in relation to said

matter, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, a duly noticed public hearing to consider said recommendations of the Planning Commission was held by the City Council at the date and time above mentioned, and

WHEREAS, on May 14, 1996, following said public hearing and after considering evidence both oral and documentary, the Council, concurrently with the adoption of this resolution, introduced Ordinance No. 2984-C.S., which amended the Precise Plan for Area No. 8 of the Village One Specific Plan, to rezone from R-3 to R-1 as underlying zoning, and by Resolution No. 96-246 adopted amendment No. 7.1 to the Design Standard portion of the Specific Plan pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Numbers 8, 32 and 33,

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

SECTION 1. That this amendment 7.1 to the Village One Specific Plan is consistent with the Modesto Urban Area General Plan.

SECTION 2. That the Council hereby adopts said amendment No. 7.1 to the Precise Plan portion of the Village One Specific Plan to delete the Multiple-Family Development Designation from the Precise Plan for PPA No. 33. A copy of said Specific Plan Amendment is set forth in detail, 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 14th day of May, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: Fisher

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"

VILLAGE ONE SPECIFIC PLAN AMENDMENT 7.1

Adopted by the City Council Resolution Nos. 96-245 and 96-246 on May 14, 1996.

The amendment consists of modifications to Chapter III, Specific Development Policies, for three Precise Plan Areas: 8, 32, 33 as attached.

PRECISE PLAN AREA #8
(Figure III-9)

1. Acreage: 34.1 Acres (of which 0.0 acres is devoted to noise setback area)

2. Land Use Intensity
 - a. Village Residential ^{34.1}~~24.2~~ Acres (of which 0.0 acres is devoted to noise setback area)

 - b. ~~Multi-Family 9.9 Acres~~

3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. ~~Within sub-area "A",~~ Only single-family residential uses shall be allowed.
 1. The average number of dwelling units is ¹⁷¹~~121~~.

- b. ~~Sub-Area "B" (e.g. multi-family) may be located anywhere along Road "C" as long as it provides pedestrian access to the open space at the school/park site in Precise Plan Area #11 consistent with Section II(C)(12)(h) in Chapter II. Within Sub-area "B", only multi-family residential uses shall be allowed.~~
 1. ~~The maximum dwelling units shall be calculated as follows:~~
$$9.9 \text{ acres} \times 26.25 \text{ dwelling units/Acre} = 260 \text{ dwelling units.}$$

 2. ~~The minimum dwelling units shall be calculated as follows:~~
$$260 \text{ dwelling} \times 90\% = 234 \text{ dwelling units.}$$

- b.c. 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.d.~~ The Precise Plan shall provide pedestrian access to the High School/Community Park site north of Sylvan Avenue.

d. The Comprehensive Policies in Chapter II pertaining to Garage Orientation and Design are modified as follows:

1. House setbacks - 15-foot minimum to 40-foot maximum.

2. Three-car garage allowances.

(a) The three-car garage may constitute up to 60% of the front building elevation.

(b) The front elevation shall be staggered by varying the setback on the house, a two-car garage door, and one-car garage door.

(c) Total garage frontage shall not exceed 31 feet.

(d) The roof shall be articulated to differentiate the two-car garage door from the one-car garage door.

(e) The developer will be encouraged to pave a set of tracks to the garage with central turf strips for one of the approaches to avoid a 30-foot-wide paved apron.

4. Principal Underlying Zone(s)

a. ~~Sub-area "A"~~ R-1, Low-Density Residential

b. ~~Sub-area "B"~~ R-3, Medium High Density Residential

PRECISE PLAN AREA #32
(Figure III-33)

1. Acreage: 38 Acres (of which 0.0 acre is devoted to noise setback area)
2. Land Use Intensity
Village Residential 38 Acres (of which 0.0 acre is 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 190.
- b. The east line of the central drainage basin in Precise Plan Area No. 31 is the west boundary of this Precise Plan.
- c. Parcels abutting MID Lateral No. 3 shall provide a twenty-foot setback area along the north side of the lateral. This setback area shall be landscaped and include a bike trail that connects to the Claus Road bike trail, and a seven-foot soundwall along the north line of the setback area.
- d. The Comprehensive Policies in Chapter II pertaining to Garage Orientation and Design are modified as follows:
 1. House setbacks - 15-foot minimum to 40-foot maximum.
 2. Three-car garage allowances.
 - (a) The three-car garage may constitute up to 60% of the front building elevation.
 - (b) The front elevation shall be staggered by varying the setback on the house, a two-car garage door, and one-car garage door.

(c) Total garage frontage shall not exceed 31 feet.

(d) The roof shall be articulated to differentiate the two-car garage door from the one-car garage door.

(e) The developer will be encouraged to pave a set of tracks to the garage with central turf strips for one of the approaches to avoid a 30-foot-wide paved apron.

4. Principal Underlying Zone(s)

a. R-1, Low-Density Residential

PRECISE PLAN AREA #33
Figure III-34)

1. Acreage: 35 Acres (of which 0.0 acre is devoted to noise setback area)
2. Land Use Intensity
 - a. Village Residential ~~26~~³⁵ Acres (of which 0.0 acre is devoted to noise setback area)
 - b. ~~Multi-Family 9 Acres~~
3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. ~~Within Sub-area "A" only single-family residential uses are allowed.~~
 1. The average number of dwelling units is ~~130~~¹⁷⁵.
- b. ~~Within Sub-area "B" only multi-family uses are allowed.~~
 1. ~~The maximum dwelling units shall be calculated as follows:~~
$$9.0 \text{ acres} \times 26.25 \text{ dwelling units} = 236 \text{ dwelling units}$$
 2. ~~The minimum dwelling units shall be calculated as follows:~~
$$236 \text{ dwelling units} \times 90\% = 213 \text{ dwelling units}$$
- c. ~~Sub-area "B" shall be located to provide maximum pedestrian access to open space in the adjacent school/park site in Precise Plan Area #29.~~
- b.d. Parcels abutting MID Lateral No. 3 shall provide a twenty-foot setback area along the north side of the lateral. This setback area shall be landscaped and include a bike trail that connects to the Claus Road bike trail, and a seven-foot soundwall along the north line of the setback area.

c. The Comprehensive Policies in Chapter II pertaining to Garage Orientation and Design are modified as follows:

1. House setbacks - 15-foot minimum to 40-foot maximum.

2. Three-car garage allowances.

(a) The three-car garage may constitute up to 60% of the front building elevation.

(b) The front elevation shall be staggered by varying the setback on the house, a two-car garage door, and one-car garage door.

(c) Total garage frontage shall not exceed 31 feet.

(d) The roof shall be articulated to differentiate the two-car garage door from the one-car garage door.

(e) The developer will be encouraged to pave a set of tracks to the garage with central turf strips for one of the approaches to avoid a 30-foot-wide paved apron.

4. Principal Underlying Zone(s)

a. ~~Sub-area "A" - R-1, Low-Density Residential~~

b. ~~Sub-area "B" - R-3, Medium High Density Residential~~

MODESTO CITY COUNCIL
RESOLUTION NO. 96-246

A RESOLUTION ADOPTING AMENDMENT 7.1 TO THE DESIGN STANDARD PORTION OF THE VILLAGE ONE SPECIFIC PLAN, LOCATED IN THE NORTHEAST AREA OF MODESTO IN AN AREA BOUNDED BY OAKDALE ROAD AND LANDS NORTH OF SYLVAN AVENUE, THE SANTA FE RAILROAD, BRIGGSMORE AVENUE, ROSELLE AVENUE, AND FLOYD AVENUE, PERTAINING TO SINGLE-FAMILY DWELLING SETBACKS AND THREE-CAR GARAGES, LIMITED TO PRECISE PLAN AREAS NUMBERS 8, 32 AND 33.

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

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, and

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

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan for the purpose of adoption of an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan for the purpose of improving technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by

Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to the Village One Specific Plan for the purpose of rewriting and reorganizing the Plan to be implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH #90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan for the purpose of making four revisions to the Specific Plan including: 1) widening of Floyd Avenue from three to five Lanes, 2) realignment of the Claus/Sylvan intersection, 3) deletion of the non-potable water supply for public landscaping, and 4) integration of Mitigation Monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan which included revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 for the purpose of revising the school and park sites within the Specific Plan and redistributing residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to reduce costs and to implement recommendations to increase the marketability of development within the Village One Area, and

WHEREAS, applications were filed on March 18, 1996, by Lew-Garcia-Davis, Engineers, on behalf of Inland Westpointe Partnership and Village Ventures One Limited Partnership for amendments to the Village One Specific Plan, for among other things, to delete the design limitations affecting dwelling setbacks relative to the minimum 20-foot garage setback to allow a greater latitude than the current specification that the dwelling cannot extend to the rear of the garage opening more than eight (8) feet with the expressed preference that the garages be oriented to the rear of dwellings, and

WHEREAS, a public hearing was held by the Planning Commission of the City of Modesto on April 1, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, after considering public comments, the Planning Commission, by Resolution 96-17, adopted on April 1, 1996, recommended to the City Council approval of an amendment to the design standards of Village One Specific Plan pertaining to single-family dwelling setbacks in relation to garages, and by Resolution No. 96-18, adopted on April 1, 1996, recommended to the City Council approval of an amendment to the design standards of the Village One Specific Plan pertaining to three-car garages for single-family dwellings, as set forth in said Planning

Commission Resolution Nos. 96-17 and 96-18, copies of which resolutions are on file in the office of the City Clerk, and

WHEREAS, a report to the City Council dated May 9, 1996, was submitted from the Community Development Department which contained alternatives from the Planning Commission and the Community Development and Housing Committee in relation to said matter, a copy of which report is on file in the office of the City Clerk, and

WHEREAS, said matter was set for a public hearing of the Council of the City of Modesto to be held on May 14, 1996, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, a duly noticed public hearing to consider said recommendations of the Planning Commission was held by the City Council at the date and time above mentioned, and

WHEREAS, on May 14, 1996, following said public hearing and after considering evidence both oral and documentary, the Council, concurrently with the adoption of this resolution, introduced Ordinance No. 2984-C.S., which amended the Precise Plan for Area No. 8 of the Village One Specific Plan, to rezone from R-3 to R-1 as underlying zoning, and by Resolution No. 96-245, adopted amendment 7.1 to the Precise Plan portion of the Village One Specific Plan to delete the multiple-family development designation from the Precise Plan for PPA No. 33,

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

amendment 7.1 to the Design Standard portion of the Village One Specific Plan, located in the northeast area of Modesto in an area bounded by Oakdale Road and lands north of Sylvan Avenue, the Santa Fe Railroad, Briggsmore Avenue, Roselle Avenue, and Floyd Avenue, pertaining to single-family dwelling setbacks in relation to garages and three-car garages for single-family dwellings, limited to Precise Plan Areas Numbers 8, 32 and 33, is required by public necessity convenience, and general welfare to reduce costs and increase the marketability of development within the Village One area.

BE IT FURTHER RESOLVED by the City Council as follows:

SECTION 1. That this amendment 7.1 to the Village One Specific Plan is consistent with the Modesto Urban Area General Plan.

SECTION 2. That the Council hereby adopts said amendment 7.1 to the Design Standard portion of the Village One Specific Plan pertaining to single-family dwelling setbacks in relation to garages and three-car garages for single-family dwellings, as set forth in detail on 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 14th day of May, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

VILLAGE ONE SPECIFIC PLAN AMENDMENT 7.1

Adopted by the City Council Resolution Nos. 96-245 and 96-246 on May 14, 1996.

The amendment consists of modifications to Chapter III, Specific Development Policies, for three Precise Plan Areas: 8, 32, 33 as attached.

PRECISE PLAN AREA #8
(Figure III-9)

1. Acreage: 34.1 Acres (of which 0.0 acres is devoted to noise setback area)

2. Land Use Intensity
 - a. Village Residential ~~24.2~~ ^{34.1} Acres (of which 0.0 acres is devoted to noise setback area)

 - b. ~~Multi-Family~~ ~~9.9~~ Acres

3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. ~~Within sub-area "A",~~ Only single-family residential uses shall be allowed.
 1. The average number of dwelling units is ~~121~~ ¹⁷¹.

- b. ~~Sub-Area "B" (e.g. multi-family) may be located anywhere along Road "C" as long as it provides pedestrian access to the open space at the school/park site in Precise Plan Area #11 consistent with Section II(G)(12)(h) in Chapter II. Within Sub-area "B", only multi-family residential uses shall be allowed.~~
 1. ~~The maximum dwelling units shall be calculated as follows:~~
$$9.9 \text{ acres} \times 26.25 \text{ dwelling units/Acre} = 260 \text{ dwelling units.}$$

 2. ~~The minimum dwelling units shall be calculated as follows:~~
$$260 \text{ dwelling} \times 90\% = 234 \text{ dwelling units.}$$

- b.c. 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.d.~~ The Precise Plan shall provide pedestrian access to the High School/Community Park site north of Sylvan Avenue.

d. The Comprehensive Policies in Chapter II pertaining to Garage Orientation and Design are modified as follows:

1. House setbacks - 15-foot minimum to 40-foot maximum.

2. Three-car garage allowances.

(a) The three-car garage may constitute up to 60% of the front building elevation.

(b) The front elevation shall be staggered by varying the setback on the house, a two-car garage door, and one-car garage door.

(c) Total garage frontage shall not exceed 31 feet.

(d) The roof shall be articulated to differentiate the two-car garage door from the one-car garage door.

(e) The developer will be encouraged to pave a set of tracks to the garage with central turf strips for one of the approaches to avoid a 30-foot-wide paved apron.

4. Principal Underlying Zone(s)

a. ~~Sub-area "A"~~ - R-1, Low-Density Residential

b. ~~Sub-area "B"~~ - R-3, Medium High Density Residential

PRECISE PLAN AREA #32
(Figure III-33)

1. Acreeage: 38 Acres (of which 0.0 acre is devoted to noise setback area)
2. Land Use Intensity
Village Residential 38 Acres (of which 0.0 acre is 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 190.
- b. The east line of the central drainage basin in Precise Plan Area No. 31 is the west boundary of this Precise Plan.
- c. Parcels abutting MID Lateral No. 3 shall provide a twenty-foot setback area along the north side of the lateral. This setback area shall be landscaped and include a bike trail that connects to the Claus Road bike trail, and a seven-foot soundwall along the north line of the setback area.
- d. The Comprehensive Policies in Chapter II pertaining to Garage Orientation and Design are modified as follows:
 1. House setbacks - 15-foot minimum to 40-foot maximum.
 2. Three-car garage allowances.
 - (a) The three-car garage may constitute up to 60% of the front building elevation.
 - (b) The front elevation shall be staggered by varying the setback on the house, a two-car garage door, and one-car garage door.

- (c) Total garage frontage shall not exceed 31 feet.
- (d) The roof shall be articulated to differentiate the two-car garage door from the one-car garage door.
- (e) The developer will be encouraged to pave a set of tracks to the garage with central turf strips for one of the approaches to avoid a 30-foot-wide paved apron.

4. Principal Underlying Zone(s)

- a. R-1, Low-Density Residential

PRECISE PLAN AREA #33
Figure III-34)

1. Acreage: 35 Acres (of which 0.0 acre is devoted to noise setback area)

2. Land Use Intensity
 - a. Village Residential 35 Acres (of which 0.0 acre is devoted to noise setback area)
 - b. ~~Multi-Family 9 Acres~~

3. Special Considerations

The Precise Plan shall incorporate the following policies:

- a. ~~Within Sub-area "A" Only single-family residential uses are allowed.~~
 1. The average number of dwelling units is 175.
- b. ~~Within Sub-area "B" only multi-family uses are allowed.~~
 1. ~~The maximum dwelling units shall be calculated as follows:~~
$$9.0 \text{ acres} \times 26.25 \text{ dwelling units} = 236 \text{ dwelling units}$$
 2. ~~The minimum dwelling units shall be calculated as follows:~~
$$236 \text{ dwelling units} \times 90\% = 213 \text{ dwelling units}$$
- c. ~~Sub-area "B" shall be located to provide maximum pedestrian access to open space in the adjacent school/park site in Precise Plan Area #29.~~
- b.d. Parcels abutting MID Lateral No. 3 shall provide a twenty-foot setback area along the north side of the lateral. This setback area shall be landscaped and include a bike trail that connects to the Claus Road bike trail, and a seven-foot soundwall along the north line of the setback area.

c. The Comprehensive Policies in Chapter II pertaining to Garage Orientation and Design are modified as follows:

1. House setbacks - 15-foot minimum to 40-foot maximum.

2. Three-car garage allowances.

(a) The three-car garage may constitute up to 60% of the front building elevation.

(b) The front elevation shall be staggered by varying the setback on the house, a two-car garage door, and one-car garage door.

(c) Total garage frontage shall not exceed 31 feet.

(d) The roof shall be articulated to differentiate the two-car garage door from the one-car garage door.

(e) The developer will be encouraged to pave a set of tracks to the garage with central turf strips for one of the approaches to avoid a 30-foot-wide paved apron.

4. Principal Underlying Zone(s)

a. ~~Sub-area "A"~~ R-1, Low-Density Residential

b. ~~Sub-area "B"~~ R-3, Medium High Density Residential

MODESTO CITY COUNCIL
RESOLUTION NO. 96-247

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: AMENDMENT NO. 7.1 OF THE VILLAGE ONE SPECIFIC PLAN TO AMEND THE PRECISE PLAN FOR AREA NO. 8, TO REZONE FROM R-3 TO R-1, AS UNDERLYING ZONING (VILLAGE HIGHLANDS), TO DELETE THE MULTIPLE-FAMILY DEVELOPMENT DESIGNATION FROM THE PRECISE PLAN FOR AREA NO. 33; AND TO AMEND THE DESIGN STANDARD PORTION OF THE VILLAGE ONE SPECIFIC PLAN PERTAINING TO SINGLE-FAMILY DWELLING SET-BACKS AND THREE-CAR GARAGES, LIMITED TO PRECISE PLAN AREAS NOS. 8, 32, & 33.

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, applications were filed on March 18, 1996, by Lew-Garcia-Davis, Engineers, on behalf of Inland Westpointe Partnership and Village Ventures One Limited Partnership for amendments to the Village One Specific Plan, for among other

things, to amend the Precise Plan for Area No. 8 of the Village One Specific Plan, to rezone from R-3 to R-1, as underlying zoning, to delete the multiple-family development designation from the Precise Plan for PPA No. 33, and for an amendment to the Design Standard Portion of the Village One Specific Plan pertaining to single-family dwelling set-backs and three-car garages, limited to precise plan areas Nos. 8, 32 and 33, ("the project"), and

WHEREAS, on March 18, 1996, 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, by Environmental Assessment No. 96-38 findings have been made 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, after a duly noticed public hearing which was held by the Planning Commission on April 1, 1996, the Planning Commission, by Resolution Nos. 96-16, 96-17, and 96-18, recommended to the City Council that said project be approved as set forth in said Planning Commission Resolutions, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing on May 14, 1996, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. 96-38, entitled "Use of Previous EIR and Findings", for the proposed project, and the Council hereby makes the following findings:

1. That the project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) and adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).
2. That the proposed Specific Plan Amendments pose no new significant changes or environmental impacts that were not discussed in the Program EIR (Section 15162(a)(1) State CEQA Guidelines).
3. That no substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site and the project description. (Section 15162(a)(2) State CEQA Guidelines).

A copy of said Environmental Assessment No. 96-38, entitled "Use of Previous EIR and Findings", 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 14th day of May, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan,
McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

City of Modesto

E. A. No. 96-38

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT ENVIRONMENTAL ASSESSMENT COMMITTEE

USE OF PREVIOUS EIR AND FINDINGS

I. BACKGROUND

1. **Name of Project:**

Amendments to the Village One Specific Plan Including the Precise Plan for Area No. 8 (Village Highlands) and also Precise Planning Area No. 33, and Downsizing from R-3 to R-1., Two Separate Areas in the Village One.

2. **Name, Address and Phone Number of Proponent:**

Lew-Garcia-Davis PO Box 1033, Ceres, CA 95307 (209) 538-3360

3. **Type of Project:**

Amendment to Village One Specific Plan

4. **Location:**

Precise Plan Area No. 8 is bordered by Syvan Ave. on the north, Precise Plan Area No. 11 on the south, proposed Village One Road D on the west and PPA 9 and 10 on the east. Precise Plan Area 33 is located just north of Briggsmore Avenue east of Precise Plan Area 32 (Eastern half of which is Nottingham Place Subdivision), south of Merle Avenue.

5. **Description of Proposed Project:**

The applicant seeks Specific Plan Amendment pursuant to removal of R-3 underlying zoning and rezoning to R-1, two specific areas and removal of certain design limitations from application to the entire Village One Specific Plan including:

1. Rezone from R-3 to R-1, the southeast quadrant of Precise Plan Area No. 8, upon amendment to the Precise Plan of Area No. 8, the southeast corner of Sylvan Avenue and Litt Road extended, approved by the Planning Commission on November 27, 1995, by Resolution No. 95-25. An amendment to Village Highlands Vesting Tentative Subdivision, contingent on the above, follows as Item B in the agenda.

2. Amend the Specific Plan by removing the R-3 designation for Precise Planning area No. 33, specifically on the east portion of an ownership which also contains the east half of Precise Planning Area No. 32 and the and the Nottingham Place Vesting Tentative Subdivision Map, also approved by the Planning Commission on November 27, 1995.
3. Amend the village One Specific Plan by deleting the design limitations pertaining to garages, their orientations, and their relationships with dwelling setbacks. In general, the applicant seeks the single family dwelling site design latitude allowed developers of R-1 zoned land anywhere else outside the Village One.

References to the EIR and mitigation measures in this document pertain to the Village One EIR (SCH#90020181) as amended by the Supplemental EIR. The 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted May 24, 1994. The Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These measures have been revised by the Supplemental EIR which is now the project EIR. All 40 Mitigation Measures contained in the Supplemental EIR have been incorporated into the Specific Plan and Facilities Master Plan and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and Transportation Department will incorporate the appropriate mitigation measures from the Supplemental EIR.

II. ENVIRONMENTAL IMPACTS

A. EARTH. Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Unstable earth conditions or in changes in geologic substructures?	___	___	___ ✓
2. Disruptions, displacements, compaction or overcovering of soil?	___	___	___ ✓
3. Change in topography or ground surface?	___	___	___ ✓
4. The destruction, covering or modification of any unique geologic or physical features?	___	___	___ ✓
5. Any increase in wind or water erosion of soils, either on or off the site?	___	___	___ ✓

6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, or ground failure? ✓

Discussion: The project area does not overlie any major land formation, fault line, sensitive lands, or unique geological features. Earth related impacts are adequately covered on pages 4.7-1 to 4.7-14 of the 1990 Program EIR, and on pages III-105 to III-108 of the Final Supplement to an EIR for the Proposed Village One Specific Plan Amendment No. 4.

The project site is relatively flat and has not been used as a landfill site, any potential for unstable soil conditions would be determined by the Chief Building Official through review of soil reports to determine if foundation investigations and appropriate building design are required pursuant to the UBC (Geology & Soils, Page III-106, Final Supplement an Environmental Impact Report for the Proposed Village One Specific Plan Amendment No. 4).

Therefore, the previous analysis and corresponding mitigation measures for Geologic and Seismic impacts are adequate.

B. AIR Will the proposal result in: Yes Maybe No

1. Substantial air emission or deterioration of ambient air quality? ✓
2. The creation of objectionable odors? ✓

AIR Will the proposal result in: Yes Maybe No

3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally? ✓

Discussion: The project will have a similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

C. WATER Will the proposal result in:		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Changes in currents, or the course of direction of fresh water movements?	___	___	<u>✓</u>
2.	Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	___	___	<u>✓</u>
3.	Alterations to the course of flow of flood waters?	___	___	<u>✓</u>
4.	Change in the amount of surface water in any water body?	___	___	<u>✓</u>
5.	Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	___	___	<u>✓</u>
6.	Alteration of the direction or rate of flow of ground waters?	___	___	<u>✓</u>
7.	Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	___	___	<u>✓</u>
8.	substantial reduction in the amount of public water supply?	___	___	<u>✓</u>
9.	Exposure of people or property to water related hazards such as flooding?	___	___	<u>✓</u>

Discussion: The project will not introduce any new impacts not already covered in the 1990 Program EIR and the 1994 Supplemental EIR. Hydrology has been adequately addressed on pages 4.8-1 to 4.8-18 of the Program EIR, as well as on pages III-109 to III-119 of the Final Supplemental EIR.

The project will not effect the quantity of groundwaters nor will it impact groundwater recharge capability. The project will have no effect on groundwater flows. Because of the Specific Plan's requirement for the project to connect to a positive stormwater system, the project will have no impact on groundwater quality (Mitigation Measure No 28, Page II-44, Final Supplement to an Environmental Impact Report).

For this reason, the analysis of impacts and its corresponding mitigation measures on water resources are adequate.

D. PLANT LIFE Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	—	—	— ✓
2. Reduction of the numbers of any unique, rare or endangered species of plants?	—	—	— ✓
3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	—	— ✓
4. Reduction in acreage of any agricultural crop?	—	—	— ✓

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)?	—	—	— ✓

- | | | | | |
|----|--|---|---|----------|
| 2. | Reduction of the numbers of any unique, rare or endangered species of animals? | — | — | <u>✓</u> |
| 3. | Introduction of new species of animals? | — | — | <u>✓</u> |
| | into the area, or result in a barrier to the migration or movement of animals? | — | — | <u>✓</u> |
| 4. | Deterioration to existing fish or wildlife habitat? | — | — | <u>✓</u> |

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

- | F. NOISE | Will the proposal result in significant: | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|----------|---|------------|--------------|-----------|
| 1. | Increases in existing noise levels? | — | — | <u>✓</u> |
| 2. | Exposure of people to severe noise levels? | — | — | <u>✓</u> |
| 3. | Will the project require noise abatement measures? | — | — | <u>✓</u> |
| 4. | Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity? | — | — | <u>✓</u> |

Discussion:

Noise Impacts were addressed on pages 4.6-1 to 4.6-21 of the Program EIR and on pages III-55 to III-67 of the Final Supplemental EIR. The proposed project will not introduce new noise related impacts that were not addressed in the EIR. Construction would not cause a significant increase in noise generation. There would be no significant increase in transportation-related noise from trains or autos.

There would be no impact from exposure of people to severe noise levels during either operation or construction (Mitigation Measure No. 22, Page II-38, Final Supplement to an Environmental Impact Report.

For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

G. LIGHT AND GLARE Would on or off-site residents be subject to light or glare that would disturb those residents? Yes Maybe No
 _____ _____

Discussion:

Construction of project would not create any significant light or glare impacts. Although the installation of lighting is planned for streets, City Engineering Division staff routinely review lighting plans to ensure electroliers are not aimed directly at residences. For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

H. LAND USE Will the proposal result in a substantial alteration of the present or planned land use of an area? Yes Maybe No
 _____ _____

Discussion: The project is still within the range of uses analyzed in the Program EIR. This new number would yield a total residential program within the range analyzed in the Program EIR of 7,000 to 8,000 units (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994) and therefore is a Less than Significant change. This project entails the swapping of some R-3 (multi-family) dwelling units to another location within the Village One area and replacing them with R-1 (single family) land uses. Land use impacts were addressed on pages 4.1-1 to 4.1-25 in the Program EIR and on pages III-80-III-94 of the Final Supplemental EIR. The proposed project will not introduce new land use related impacts not addressed in the EIR. Thus, the previous analysis on impacts to land uses is adequate.

I. NATURAL RESOURCES Will the proposal result in an increase in the rate of use of any natural resource? Yes Maybe No
 _____ _____

Discussion: The proposed revisions to the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR. Thus, the previous analysis on impacts to natural resources is adequate.

J. RISK OF UPSET Will the proposal involve: Yes Maybe No

1. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? ___ ___ ✓

2. Possible interference with an emergency response plan or an emergency evacuation plan? ___ ___ ✓

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

- K. POPULATION** Will the proposal: Yes Maybe No
- Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR? ___ ___ ✓

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed project will not introduce any new population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not increased. Therefore, the previous population growth impact analysis is adequate.

- L. HOUSING** Will the proposal: Yes Maybe No
- Affect existing Housing, or create a demand for additional housing that was not considered in the EIR? ___ ___ ✓

Discussion: Any environmental problems associated with this project related to housing have been addressed on pages 4-2-1 to 4-2-17 of the Program EIR as well as on pages III-95 to III-99 of the Final Supplemental EIR. The project would yield a total residential program within the range analyzed in the Program EIR of 7,000 to 8,000 units (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by

reference, Page II-2 Supplemental EIR, 1994) and therefore is a Less than Significant change. Thus, the previous impacts on housing associated with this project have been adequately analyzed.

M. TRANSPORTATION/CIRCULATION	Will the proposal result in significant:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Generation of substantial additional vehicular movement?	—	—	— ✓
2.	Effects on existing parking facilities, or demand for new parking?	—	—	— ✓
3.	Substantial impact upon existing transportation systems?	—	—	— ✓
4.	Alterations to present patterns of circulation or movement of people and/or goods?	—	—	— ✓
5.	Alterations to rail or air traffic?	—	—	— ✓
6.	Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians?	—	—	— ✓

Discussion: Any impacts related to transportation and circulation have been addressed on pages 4.4-1 to 4.4-42 in the Program EIR, as well as on pages III-40 to III-44 of the Final Supplemental EIR. This project will actually present a lesser traffic impact than was anticipated in the Program or Supplemental EIR. The Final Supplemental EIR found that any additional impacts resulting from the project can be mitigated to a less than Significant level (Environmental Effects, Page II-9, Final Supplemental EIR). Mitigation measures 6 through 20 of the Final Supplemental EIR pertain to Transportation and circulation impacts. The project specific mitigation measures will be applied as determined by the Public Works and Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES	Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Fire protection?	—	—	— ✓
2.	Police Protection?	—	—	— ✓

- | | | | | |
|----|---|---|---|---|
| 3. | Schools? | — | — | ✓ |
| 4. | Parks or other recreational facilities? | — | — | ✓ |
| 5. | Maintenance of public facilities,
including roads? | — | — | ✓ |
| 6. | Other governmental services? | — | — | ✓ |

Discussion:

Construction of the project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II -52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).

Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.

O. UTILITIES AND ENERGY Will the proposal Result in a need for new systems, or substantial alterations to the following utilities:

- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|----------------------------|------------|--------------|-----------|
| 1. Power or Natural gas? | — | — | ✓ |
| 2. Communications systems? | — | — | ✓ |
| 3. Water? | — | — | ✓ |
| 4. Sewer and septic tanks? | — | — | ✓ |

- | | | | | |
|----|--|-----|-----|-------|
| 5. | Storm water drainage? | ___ | ___ | ___ ✓ |
| 6. | Solid waste disposal? | ___ | ___ | ___ ✓ |
| 7. | Substantial amounts of fuel or energy? | ___ | ___ | ___ ✓ |

Discussion:

The Modesto Irrigation District and the Pacific Gas & Electric Company have indicated they will be able to serve the Village One area which includes the project.

Pacific Bell Telephone Company and Post Newsweek Cable Company have indicated they can serve the Village One area.

The City of Modesto's water distribution lines will be extended to serve the project (Mitigation Measure No. 32, Page II-48, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto's sewer lines will be extended to serve the project site (Mitigation Measure No. 34, Page II-50, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto will require the installation of Storm water drainage facilities to serve the site (Mitigation Measure No. 27, Page II-43, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan. The project will be served by the City/County Waste-to-Energy facility (Public Services, Pages III-125 & 126, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

P. HUMAN HEALTH Will the proposal result in: Yes Maybe No

- | | | | | |
|----|---|-----|-----|-------|
| 1. | Creation of any health hazard or potential health hazard (excluding mental health)? | ___ | ___ | ___ ✓ |
| 2. | Exposure of people to potential health hazards? | ___ | ___ | ___ ✓ |

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS Will the proposal result in the Yes Maybe No

obstruction of any scenic vista or view open to the public, or will the proposal result in the creation

of an aesthetically offensive site open to public view? ___ ___ ✓

Discussion:

The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan, except the proposed allowance of three car garages on 50 foot wide lots. The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

R. CULTURAL RESOURCES

Yes Maybe No

- 1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site? ___ ___ ✓
- 2. Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object? ___ ___ ✓
- 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? ___ ___ ✓
- 4. Will the proposal restrict existing religious or sacred uses within the potential impact area? ___ ___ ✓

Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the Program EIR on pages 4-1, response no. 4.3. The research did not produce any finding for any historical, ethnographic and archaeological resources. The proposed project would not introduce any new cultural resource related impacts, therefore, no Cultural Resources impacts would occur.

S. MANDATORY FINDINGS OF SIGNIFICANCE

Yes Maybe No

- 1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to

- | | | | | |
|----|--|-----|-----|-------------------------------------|
| | eliminate a plant or animal or eliminate important examples of the major periods of California history or prehistory? | ___ | ___ | <input checked="" type="checkbox"/> |
| 2. | Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals? | ___ | ___ | <input checked="" type="checkbox"/> |
| 3. | does the project have impact which are individually limited, but cumulatively considerable? | ___ | ___ | <input checked="" type="checkbox"/> |
| 4. | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ___ | ___ | <input checked="" type="checkbox"/> |

T. RECOMMENDED CONDITIONS OF APPROVAL

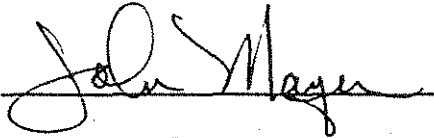
U. MITIGATION MEASURES

The scheduling, and monitoring for performance of Mitigation Measures listed in the EIR that pertain to this proposal shall be accomplished by the Pubic Works and Transportation Department.

On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).
2. The proposed Specific Plan Amendments pose no new significant changes or environmental impacts that were not discussed in the Program EIR. (Section 15162 (a)(1) State CEQA Guidelines).
3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, and the project description. (Section 15162 (a)(2) State CEQA Guidelines).

Signature: _____



Date: _____

3-18-96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-248

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING CONSTRUCTION MATERIAL TESTING SERVICES

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 Construction Material Testing Services, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 3, 1996 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-249

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING DRY CELL BATTERY REQUIREMENTS

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 Dry Cell Battery Requirements, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 3, 1996 at 11:05 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-250

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING JANITORIAL SERVICES AT
THE MODESTO CENTRE PLAZA

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 Janitorial Services at the Modesto Centre Plaza, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 3, 1996 at 11:10 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-251

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING BUSINESS LICENSING SOFTWARE FOR THE FINANCE DEPARTMENT'S CUSTOMER SERVICES 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 Business Licensing Software for the Finance Department's Customer Services Division, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 5, 1996 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Sean Adams
SEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-252

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR THE PURCHASE OF IRRIGATION BACKFLOW PREVENTION DEVICES AND RELATED INSTALLATION

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 purchase of Irrigation Backflow Prevention Devices and Related Installation, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 11, 1996 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jeane Adams
JEANE ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-253

A RESOLUTION ACCEPTING THE BID OF ALTEC INDUSTRIES FOR THE PURCHASE OF AN HYDRAULIC DIGGER/DERRICK TRUCK FOR THE TOTAL COST OF \$113,746

WHEREAS, Resolution No. 96-104, adopted by the Council of the City of Modesto on March 12, 1996, authorized the calling for bids for an Hydraulic Digger/Derrick Truck; and

WHEREAS, the bids received for an Hydraulic Digger/Derrick Truck were opened at 2:00 p.m. on April 2, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Altec Industries for a total cost of \$113,746.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Altec Industries 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 May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-254

A RESOLUTION ACCEPTING THE BID OF PAYDIRT EXCAVATING FOR THE REMOVAL OF BELOW GROUND FUEL TANKS FOR THE TOTAL COST OF \$27,881.64

WHEREAS, Resolution No. 96-147, adopted by the Council of the City of Modesto on April 2, 1996, authorized the calling for bids for the Removal of Below Ground Fuel Tanks; and

WHEREAS, the bids received for Removal of Below Ground Fuel Tanks were opened at 2:00 p.m. on April 23, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Paydirt Excavation be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Paydirt Excavation for a total cost of \$27,881.64 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 May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-255

A RESOLUTION ACCEPTING THE BID OF DONLEE PUMP FOR THE PURCHASE AND INSTALLATION OF ABOVE GROUND DIESEL FUEL TANKS FOR THE TOTAL COST OF \$33,715.98

WHEREAS, Resolution No. 96-147, adopted by the Council of the City of Modesto on April 2, 1996, authorized the calling for bids for the Installation of Above Ground Diesel Fuel Tanks; and

WHEREAS, the bids received for Installation of Above Ground Diesel Fuel Tanks were opened at 2:00 p.m. on April 23, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Donlee Pump be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Donlee Pump for a total cost of \$33,715.98 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 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-256

A RESOLUTION ACCEPTING THE BID OF MODESTO FORD TRACTOR INC., AND NIXON-EGLI EQUIPMENT COMPANY FOR A COMBINED TOTAL COST OF \$110,370.76 FOR THE PURCHASE OF TWO NEW BACKHOE/LOADERS AND TWO NEW TRAILERS

WHEREAS, Resolution No. 95-517, adopted by the Council of the City of Modesto on November 7, 1995, authorized the calling for bids for furnishing heavy equipment for use by various departments; and

WHEREAS, the bids received for furnishing heavy equipment were opened at 11:00 a.m. on November 29, 1995, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Modesto Ford Tractor Inc. and Nixon-Egli 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 Modesto Ford Tractor Inc. and Nixon-Egli 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 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-257

A RESOLUTION SETTING A TIME AND PLACE FOR A HEARING FOR PRESENTATION OF CITY MANAGER'S PROPOSED 1996-97 OPERATING BUDGET AND PROPOSED CAPITAL IMPROVEMENT PROGRAM (CIP) FOR 1996-97 THROUGH 1999-2000

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 28, 1996, 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 hear presentation of City Manager's Proposed 1996-97 Operating Budget and Proposed Capital Improvement Program (CIP) for 1996-97 through 1999-2000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-258

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANT APPLICATION AND AN AGREEMENT WITH THE STATE OF CALIFORNIA RESOURCES AGENCY FOR \$85,695 IN FUNDING FROM THE STATE RESOURCES AGENCY FOR ONE YEAR OF FUNDING FOR THE MODESTO YOUTH CONSERVATION CORPS PROGRAM

WHEREAS, the Parks and Recreation Department has developed the Modesto Youth Conservation Corps (MYCC) to provide training and employment opportunities for youth of Modesto, ages 16 to 18, through maintenance and repair activities in Modesto's City and regional parks and urban forest; and

WHEREAS, notification has been received by City staff that \$85,695 has been allocated by the State for funding one year of this program; and

WHEREAS, it is the City's desire to expand programs for youth.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the grant application on behalf of the City of Modesto with the State Resources Agency for funding in the amount of \$85,695 for the above-mentioned project be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said grant application and agreement and all other documents which may be necessary relating to the aforementioned grant by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on May 14, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: McKinsey

ABSENT: Councilmembers: None



JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 96-259

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO APPROPRIATE FUNDS FROM THE GENERAL FUND CONTINGENCY RESERVE FOR IMPLEMENTING THE MODESTO YOUTH CONSERVATION CORPS.

WHEREAS, consider implementing a twelve month Modesto Youth Conservation Program with total expenditures of \$241,626 and total revenue of \$85,695.

WHEREAS, authorize the City Manager to sign a grant application and agreement with the State of California for \$85,695 in funding from the State Resources Agency, various special appropriations, for the Modesto Youth Conservation Corps; adoption of a resolution amending the budget to appropriate \$32,500 from the General Fund Contingency Reserve for Fiscal Year 1995-96 for start-up costs and program expenses for one month; and motion directing staff to include allocation of resources for the remaining eleven months in the 1996-97 General Fund operating budget.

WHEREAS, the Parks and Recreation Department has developed the Modesto Youth Conservation Corps (MYCC) program as a response to City Council's policy direction to expand programs for youth.

WHEREAS, the purpose of the MYCC is to provide training and employment opportunities for thirty youth of Modesto, ages 16 to 18, through maintenance and repair activities in Modesto's city and regional parks and urban forest.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses	Increase (Decrease)
010-800-8000-8003 General Fund Contingency Reserve	(\$32,500)
010-310-3117-0110 Salary & Wages, regular	\$2,192
010-310-3117-0140 Salary & Wages, part-time	\$15,172
010-310-3117-0188 Employee benefits-summary	\$608
010-310-3117-0189 Part-Time benefits	\$1,420
010-310-3117-0301 Office Supplies	\$2,000
010-310-3117-0216 Equipment Rental	\$2,500
010-310-3117-0208 Business Expenses	\$1,500
010-310-3117-0308 Tools, shop and field supplies	\$6,500

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 14th day of May, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: McKinsey
ABSENT: Councilmembers: None

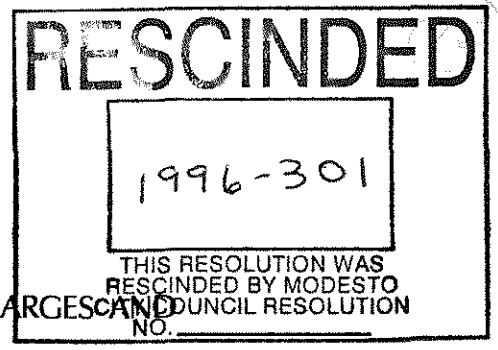
ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Check



MODESTO CITY COUNCIL
RESOLUTION NO. 96-260

A RESOLUTION REVISING SEWER SERVICE CHARGES AND
RESCINDING RESOLUTION NO. 95-309.

WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, the Council recognizes the need to rehabilitate and expand the Wastewater Treatment System to promote economic development and to protect the environment, and

WHEREAS, the Council wishes to establish service charges which encourage wastewater dischargers to implement source control of pollutants to the maximum extent feasible, and

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

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural" shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.

2. "Commercial" shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.
3. "Developed Parcel" shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.
4. "Duplex" shall mean a developed parcel with two dwelling units on a single parcel.
5. "Government" shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.
6. "Hospital" shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.
7. "Industrial" shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.
8. "Multi-family Residential" shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

<u>Density Category</u>	<u>Property Sq. Ft. Per Dwelling Unit</u>
High	0-1000
Medium	1001-3500
Low	3501-7000
Very Low	Over 7000

9. "Multi-family Senior Mobile Home" shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.
10. "NPDES Industrial Stormwater Permit" shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.
11. "Non-profit Organizations" shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.
12. "Parcel" shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.
13. "Parks" shall include all developed parcels operated as a park by a public agency.
14. "Parks/Cemeteries" shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.
15. "Schools" shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.
16. "Single-Family Residential" shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.
17. "Transportation/Utilities" shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.
18. "Undeveloped" shall mean any lot or parcel which remains in its natural state and is not used for any purpose.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot	\$10.96
Each dwelling unit in a duplex	8.56
One additional dwelling unit or mobile home on a lot	8.56
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	7.05

- (b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.
- (c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths (\$1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.

Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as

S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

	<u>Sewer Service Charges Per 1000 Gals. of Water Used</u>
<u>Group 1</u>	\$1.81
Combined B.O.D. and S.S. measured in mg/1 is 400mg/1 or less	
<u>Group 2</u>	2.10
Combined B.O.D. and S.S. measured in mg/1 is in the range of 401mg/1 to 900mg/1	
<u>Group 3</u>	2.56
Combined B.O.D. and S.S. measured in mg/1 is in the range of 901mg/1 to 1400mg/1	
<u>Group 4</u>	3.08
Combined B.O.D. and S.S. measured in mg/1 is over 1401mg/1	

- (b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.
- (c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

Group 1	\$22.77
Group 2	26.23
Group 3	32.16
Group 4	38.58

- (d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 55/100ths (\$1.55) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.
- (e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.
 - (1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.
 - (2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.
- (f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:
 - (1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and

- (2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) The monthly sewer service charges for industrial users shall be at the rate of \$740.52 per million gallons of total flow.

- (1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

- (2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.
 - (3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.
- (b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$87.58 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.
 - (c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$80.62 per one

thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

- (d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum \$10.00 per month sewer service charge.
- (e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. SULFIDE CORROSION CHARGES. Any wastewater discharge which exceeds 0.5 parts per million of sulfides shall pay a sulfide corrosion charge, an impact fee, determined on a case-by-case basis as follows:

- (a) The projected accelerated corrosion of collection system pipes and pump stations will be calculated based on the EPA Pomeroy Model for Sulfide Corrosion (EPA Design Manual, EPA/625/1-85-018, Section 2.5.2.1 - Corrosion Predictive Model).
- (b) The sulfide corrosion charge will then be calculated based on the actual pipes and pump stations, up to the Water Quality Control Plant headworks, impacted by the discharge, and on the current estimates of replacement costs and the time value of money.
- (c) Discharges of sulfide above 0.5 ppm shall also not have a pH lower than 7.
- (d) The discharger may request that the sulfide charge be recalculated each year, if the amount of sulfide discharged is documented as having changed significantly from the previous year. The discharger may elect to receive the billing for this service charge on an annual or monthly basis. No prepayment discount will apply.
- (e) This service charge is an impact fee based on sulfide crown corrosion of collection system pipes and pumping facilities. It is not intended to compensate the City for increased corrosion or odor generation in the Water Quality Control Plant. It is not intended to liquidate the responsibility of a party whose

wastewater discharge escapes from the collection system causing soil or groundwater contamination. Discharge of concentrated sulfides under the provisions of this section constitutes acceptance of these terms.

SECTION 6. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 7. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot (1 dwelling unit only)	\$6.79
Each dwelling unit in a duplex	3.24
One additional dwelling unit or mobile home on a lot	3.24
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park	3.24
Billing Fee	0.39

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the Empire Sanitary District.

SECTION 8. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the North Ceres Sewer Service Area.

SECTION 9. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

- (a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<u>Land Use</u>	<u>Intensity of Development Factor (IDF)</u>
Single-Family Residential	0.25
Duplex	0.50
Multi-Family High	0.95
Multi-Family Medium	0.80
Multi-Family Low	0.40
Multi-Family Very Low	0.25
Multi-Family Senior Mobile Home	0.31
Commercial	0.95
Industrial	0.75
Transportation/Utilities	0.40
Schools	0.25
Non-Profit Organizations	0.40
Government	0.70
Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08
Undeveloped	0.00

- (b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<u>ARN</u>	<u>Square Footage of Property</u>
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000
5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF
etc.	

- (c) Single-Family Residential charges shall be as follows:

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.65
3501-7000 SF	3.23
7000 + SF	4.85

- (d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.
- (e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.
- (f) The property's ERU is charged at a monthly rate of \$6.58. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x \$6.58.
- (g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Director of Public Works, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.
- (h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city.

<u>ARN</u>	<u>Square Footage of Property</u>
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000
5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF
etc.	

(c) Single-Family Residential charges shall be as follows:

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.73
3501-7000 SF	3.40
7000 + SF	5.10

(d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.

(e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.

(f) The property's ERU is charged at a monthly rate of \$6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x \$6.92.

(g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Director of Public Works, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.

(h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city

street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 10. EFFECTIVE DATE. This resolution shall become effective June 15, 1996.

SECTION 11. SUPERSEDES PRIOR RESOLUTIONS. Upon the effective date of this resolution, Modesto City Council Resolution No. 95-309 shall hereby be superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

Clark

**CITY OF MODESTO
LOCAL AGENCY RESOLUTION**

NUMBER 96-261

**RESOLUTION AUTHORIZING AND APPROVING THE BORROWING OF
FUNDS FOR FISCAL YEAR 1996-1997; THE ISSUANCE AND SALE OF
A 1996-1997 TAX AND REVENUE ANTICIPATION NOTE
THEREFOR AND PARTICIPATION IN THE CALIFORNIA
COMMUNITIES CASH FLOW FINANCING PROGRAM**

WHEREAS, local agencies are authorized by Section 53850 to 53858, both inclusive, of the Government Code of the State of California (the "Act") (being Article 7.6, Chapter 4, Part 1, Division 2, Title 5 of the Government Code) to borrow money by the issuance of temporary notes;

WHEREAS, the legislative body (the "Legislative Body") of the local agency specified in Section 25 hereof (the "Local Agency") has determined that a sum (the "Principal Amount"), not to exceed the Maximum Amount of Borrowing specified in Section 25 hereof, which Principal Amount is to be confirmed and set in the Pricing Confirmation (as defined in Section 4 hereof), is needed for the requirements of the Local Agency, to satisfy obligations of the Local Agency, and that it is necessary that said Principal Amount be borrowed for such purpose at this time by the issuance of a note therefor in anticipation of the receipt of taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to its fiscal year ending June 30, 1996 ("Fiscal Year 1996-1997");

WHEREAS, the Local Agency hereby determines to borrow, for the purposes set forth above, the Principal Amount by the issuance of the Note (as hereinafter defined);

WHEREAS, it appears, and this Legislative Body hereby finds and determines, that the Principal Amount, when added to the interest payable thereon, does not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts and other moneys of the Local Agency attributable to Fiscal Year 1996-1997 and available for the payment of the principal of the Note and the interest thereon;

WHEREAS, no money has heretofore been borrowed by or on behalf of the Local Agency through the issuance of tax anticipation notes or temporary notes in anticipation of the receipt of, or payable from or secured by, taxes, income, revenue, cash receipts or other moneys for Fiscal Year 1996-1997;

WHEREAS, pursuant to Section 53856 of the Act, certain moneys which will be received by the Local Agency during and attributable to Fiscal Year 1996-1997 can be pledged for the payment of the principal of the Note and the interest thereon (as hereinafter provided);

WHEREAS, the Local Agency has determined that it is in the best interests of the Local Agency to participate in the California Communities Cash Flow Financing Program (the "Program"), whereby participating local agencies (collectively, the "Issuers") will simultaneously issue tax and revenue anticipation notes;

WHEREAS, the Program requires the participating Issuers to sell their tax and revenue anticipation notes to the California Statewide Communities Development Authority (the "Authority") pursuant to note purchase agreements (collectively, "Purchase Agreements"), each between such individual Issuer and the Authority, and dated as of the date of the Pricing Confirmation, a form of which has been submitted to the Legislative Body;

WHEREAS, the Authority, in consultation with Sutro & Co. Incorporated, as financial advisor for the Program (the "Financial Advisor"), will form one or more pools of notes (the "Pooled Notes") and assign each note to a particular pool (the "Pool") and sell a series (the "Series") of bonds (the "Bonds") secured by each Pool pursuant to an indenture (the "Indenture") between the Authority and U.S. Trust Company of California, N.A., as trustee (the "Trustee"), each Series distinguished by whether or what type(s) of Credit Instrument(s) (as hereinafter defined) secure(s) such Series, by the principal amounts of the notes assigned to the Pool or by other factors, and the Local Agency hereby acknowledges and approves the discretion of the Authority to assign the Note to such Pool and such Indenture as the Authority may determine;

WHEREAS, as additional security for the owners of each Series of Bonds, all or a portion of the payments by all of the Issuers of the notes assigned to such Series may or may not be secured (by virtue or in form of the Bonds, as indicated in the Pricing Confirmation, being secured in whole or in part) by an irrevocable letter (or letters) of credit or policy (or policies) of insurance or proceeds of a separate bond issue issued for such purpose (the "Reserve Fund") or other credit instrument (or instruments) (collectively, the "Credit Instrument") issued by the credit provider or credit providers designated in the Indenture, as finally executed (collectively, the "Credit Provider"), pursuant to a credit agreement or agreements or commitment letter or letters or, in the case of the Reserve Fund, an indenture (the "Reserve Indenture") (collectively, the "Credit Agreement") between (i) in the case of an irrevocable letter (or letters) of credit or policy (or policies) of insurance, the Authority and the respective Credit Provider and (ii) in the case of the Reserve Fund, the Authority and U.S. Trust Company of California, N.A., as trustee of the Reserve Indenture (the "Reserve Trustee");

WHEREAS, if, as designated in the Pricing Confirmation, the Credit Instrument is the Reserve Fund, bonds issued pursuant to the Reserve Indenture (the "Reserve Bonds") may, as indicated in the Pricing Confirmation, be secured by an irrevocable letter of credit or policy of insurance or other credit instrument (the "Reserve Credit Instrument") issued by the credit provider identified in the Reserve Indenture as finally executed (the "Reserve Credit Provider"), pursuant to a credit agreement or commitment letter (the "Reserve Credit Agreement") identified in the Reserve Indenture as finally executed, such Reserve Credit Agreement being between the Authority and the Reserve Credit Provider;

WHEREAS, the net proceeds of the Note may be invested by the Local Agency in Permitted Investments (as defined in the Indenture) or in any other investment permitted by the laws of the State of California, as now in effect and as hereafter amended, modified or supplemented from time to time;

WHEREAS, as part of the Program each participating Issuer approves the Indenture, the alternative forms of Credit Agreements, if any, and the alternative forms of Reserve Credit Agreements, if any, in substantially the forms presented to the Legislative Body, with the final form of Indenture, type of Credit Instrument and corresponding Credit Agreement and type of Reserve Credit Instrument and

corresponding Reserve Credit Agreement, if any, to be determined and approved by delivery of the Pricing Confirmation;

WHEREAS, pursuant to the Program each participating Issuer will be responsible for its share of (a) the fees of the Trustee and the costs of issuing the applicable Series of Bonds, and (b), if applicable, the fees of the Credit Provider, the fees of the Reserve Credit Provider (which shall be payable from, among other sources, investment earnings on the Reserve Fund and moneys in the Costs of Issuance Fund established and held under the Indenture), the Issuer's allocable share of all Predefault Obligations and the Issuer's Reimbursement Obligations, if any (each as defined in the Indenture);

WHEREAS, pursuant to the Program each participating Issuer will be responsible for its share of the fees of the Reserve Trustee and the costs of issuing the applicable Series of Reserve Bonds, all such costs and fees being payable from the proceeds of the applicable Series of Bonds (or, with respect to costs and fees of the Reserve Credit Provider, as may otherwise be provided in the Reserve Indenture);

WHEREAS, pursuant to the Program, the underwriter will submit an offer to the Authority to purchase, in the case of each Pool of Notes, the Series of Bonds which will be secured by the Indenture to which such Pool will be assigned;

WHEREAS, it is necessary to engage the services of certain professionals to assist the Local Agency in its participation in the Program;

NOW, THEREFORE, the Legislative Body hereby finds, determines, declares and resolves as follows:

Section 1. Recitals. This Legislative Body hereby finds and determines that all the above recitals are true and correct.

Section 2. Authorization of Issuance. This Legislative Body hereby determines to borrow solely for the purpose of anticipating taxes, income, revenue, cash receipts and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1996-1997, by the issuance of a note in the Principal Amount under Sections 53850 *et seq.* of the Act, designated the Local Agency's "1996-1997 Tax and Revenue Anticipation Note" (the "Note"), to be issued in the form of one fully registered note at the Principal Amount thereof, to be dated the date of its delivery to the initial purchaser thereof, to mature (without option of prior redemption) not more than thirteen months thereafter on a date indicated on the face thereof and determined in the Pricing Confirmation (the "Maturity Date"), and to bear interest, payable at maturity and computed upon the basis of a 360-day year consisting of twelve 30-day months, at a rate not to exceed ten percent (10%) per annum as determined in the Pricing Confirmation and indicated on the face of the Note (the "Note Rate"). If the Series of Bonds issued in connection with the Note is secured in whole or in part by a Credit Instrument or such Credit Instrument (other than the Reserve Fund) secures the Note in whole or in part and all principal of and interest on the Note is not paid in full at maturity or payment of principal of and interest on the Note is paid (in whole or in part) by a draw under, payment by or claim upon a Credit Instrument which draw, payment or claim is not fully reimbursed on such date, such Note shall become a Defaulted Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or the portion (including the interest component, if applicable) thereof with respect to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate (as defined in the Indenture). If the Credit Instrument is the Reserve Fund and the Reserve Bonds issued to fund the Reserve Fund are secured by the Reserve Credit Instrument and a Drawing (as defined in the Indenture) pertaining to the Note is not fully reimbursed by the Reserve Principal Payment

Date (as defined in the Indenture), such Note shall become a Defaulted Reserve Note (as defined in the Indenture), and the unpaid portion (including the interest component, if applicable) thereof (or portion (including the interest component, if applicable) with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. If the Note or the Series of Bonds issued in connection with the Note is unsecured in whole or in part and the Note is not fully paid at maturity, the unpaid portion thereof (or the portion thereof to which no Credit Instrument applies which is unpaid) shall be deemed outstanding and shall continue to bear interest thereafter until paid at the Default Rate. In each case set forth in the preceding three sentences, the obligation of the Local Agency with respect to such Defaulted Note or unpaid Note shall not be a debt or liability of the Local Agency prohibited by Article XVI, Section 18 of the California Constitution and the Local Agency shall not be liable thereon except to the extent of any available revenues attributable to Fiscal Year 1996-1997, as provided in Section 8 hereof. The percentage of the Note to which a Credit Instrument, if any, applies (the "Secured Percentage") shall be equal to the amount of the Credit Instrument divided by the aggregate amount of unpaid principal of and interest on the unpaid notes (or portions thereof) of all Issuers, expressed as a percentage (but not greater than 100%) as of the maturity date. The percentage of the Note to which the Reserve Credit Instrument, if any, applies (the "Secured Reserve Percentage") shall be equal to the amount of the Reserve Credit Instrument divided by the aggregate amount of unpaid principal of and interest on such unpaid notes (or portions thereof, including the interest component, if applicable), expressed as a percentage (but not greater than 100%) as of the Reserve Principal Payment Date.

Both the principal of and interest on the Note shall be payable in lawful money of the United States of America, but only upon surrender thereof, at the corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California.

The Note shall be issued in conjunction with the note or notes of one or more other Issuers as part of the Program and within the meaning of Section 53853 of the Act.

Section 3. Form of Note. The Note shall be issued in fully registered form without coupons and shall be substantially in the form and substance set forth in Exhibit A as attached hereto and by reference incorporated herein, the blanks in said forms to be filled in with appropriate words and figures.

Section 4. Sale of Note; Delegation. The Note shall be sold to the Authority pursuant to the Purchase Agreement. The form of the Purchase Agreement, including the form of the pricing confirmation supplement (the "Pricing Confirmation") set forth as Exhibit A thereto, presented to this meeting are hereby approved. The authorized representatives set forth in Section 25 hereof (the "Authorized Representatives") are each hereby authorized and directed to execute and deliver the Purchase Agreement in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the Purchase Agreement shall not be effective and binding on the Local Agency until the execution and delivery of the Pricing Confirmation. The Authorized Representatives are each hereby further authorized and directed to execute and deliver the Pricing Confirmation in substantially said form, with such changes thereto as such Authorized Representative shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof; provided, however, that the interest rate on the Note shall not exceed ten percent (10%) per annum, the discount on the Note, when added to the Local Agency's share of the costs of issuance of the Bonds, shall not exceed one percent (1.0%), and the Principal Amount shall not exceed the Maximum Amount of Borrowing. Delivery of an executed copy of the Pricing Confirmation by fax or telecopy shall be deemed effective execution and delivery for all purposes.

Section 5. Program Approval. The Pricing Confirmation shall indicate whether and what type of Credit Instrument and, if applicable, Reserve Credit Instrument will apply.

The forms of Indenture, alternative general types and forms of Credit Agreements, if any, and alternative general types and forms of Reserve Credit Agreements, if any, presented to this meeting are hereby acknowledged, and it is acknowledged that the Authority will execute and deliver the Indenture, one or more Credit Agreements, if applicable, and one or more Reserve Credit Agreements, if applicable, which shall be identified in the Pricing Confirmation, in substantially one or more of said forms with such changes therein as the Authorized Representative who executes the Pricing Confirmation shall require or approve (substantially final forms of the Indenture, the Credit Agreement and, if applicable, the Reserve Credit Agreement are to be delivered to the Authorized Representative concurrent with the Pricing Confirmation), such approval of the Authorized Representative and this Legislative Body to be conclusively evidenced by the execution of the Pricing Confirmation. If the Credit Agreement identified in the Pricing Confirmation is the Reserve Indenture, it is acknowledged that the Authority will issue the Reserve Bonds pursuant to and as provided in the Reserve Indenture as finally executed.

Any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Financial Advisor or the underwriter with such information relating to the Local Agency as the Financial Advisor or the underwriter shall reasonably request for inclusion in the Preliminary Official Statement and Official Statement of the Authority. Upon inclusion of the information relating to the Local Agency therein, the Preliminary Official Statement and Official Statement or such other offering document is, except for certain omissions permitted by Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the "Rule"), hereby deemed final within the meaning of the Rule with respect to the Local Agency and any Authorized Representative of the Local Agency is authorized to execute a certificate to such effect. If, at any time prior to the end of the underwriting period, as defined in the Rule, any event occurs as a result of which the information contained in the Preliminary Official Statement or other offering document relating to the Local Agency might include an untrue statement of a material fact or omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading, the Local Agency shall promptly notify the Financial Advisor and the underwriter.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which full reimbursement on a draw, payment or claim has not been made by the Maturity Date shall be deemed outstanding and shall not be deemed to be paid until (i) any Credit Provider providing a Credit Instrument with respect to the Note or the Series of Bonds issued in connection with the Note, has been reimbursed for any drawings, payments or claims made under or from the Credit Instrument with respect to the Note, including interest accrued thereon, as provided therein and in the applicable Credit Agreement, and, (ii) the holders of the Note, or Series of the Bonds issued in connection with the Note, are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

Subject to Section 8 hereof, the Local Agency hereby agrees that if the Note shall become a Defaulted Reserve Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Reserve Credit Instrument, if any, applies for which full reimbursement on a Drawing has not been made by the Reserve Principal Payment Date shall be deemed outstanding and shall not be deemed paid until (i) any Reserve Credit Provider providing a Reserve Credit Instrument with respect to the Reserve Bonds (against the Reserve Fund of which such Drawing was made) has been reimbursed for any Drawing or payment made under the

Reserve Credit Instrument with respect to the Note, including interest accrued thereon, as provided therein and in the Reserve Credit Agreement, and (ii) the holders of the Note, or Series of Bonds issued in connection with the Note, are paid the full principal amount represented by the unsecured portion of the Note plus interest accrued thereon (calculated at the Default Rate) to the date of deposit of such aggregate required amount with the Trustee. For the purposes of clause (ii) of the preceding sentence, holders of the Series of Bonds will be deemed to have received such principal amount upon deposit of such moneys with the Trustee.

The Local Agency agrees to pay or cause to be paid, in addition to the amounts payable under the Note, any fees or expenses of the Trustee and, to the extent permitted by law, if the Local Agency's Note is secured in whole or in part by a Credit Instrument and, if applicable, a Reserve Credit Instrument (by virtue of the fact that the Series of Bonds is secured by a Credit Instrument and, if applicable, Reserve Bonds are secured by a Reserve Credit Instrument), any Predefault Obligations and Reimbursement Obligations (to the extent not payable under the Note), (i) arising out of an "Event of Default" hereunder (or pursuant to Section 7 hereof) or (ii) arising out of any other event (other than an event arising solely as a result of or otherwise attributable to a default by any other Issuer). In the case described in (ii) above with respect to Predefault Obligations, the Local Agency shall owe only the percentage of such fees, expenses and Predefault Obligations equal to the ratio of the principal amount of its Note over the aggregate principal amounts of all notes, including the Note, of the Series of which the Note is a part, at the time of original issuance of such Series. Such additional amounts will be paid by the Local Agency within twenty-five (25) days of receipt by the Local Agency of a bill therefor from the Trustee.

Section 6. No Joint Obligation. The Note will be issued in conjunction with a note or notes of one or more other Issuers, assigned to secure a Series of Bonds. In all cases, the obligation of the Local Agency to make payments on or in respect to its Note is a several and not a joint obligation and is strictly limited to the Local Agency's repayment obligation under this Resolution and the Note.

Section 7. Disposition of Proceeds of Note. A portion of the moneys received from the sale of the Note in an amount equal to the Local Agency's share of the costs of issuance (which shall include any fees and expenses in connection with any Credit Instrument (and the Reserve Credit Instrument, if any) applicable to the Note or Series of Bonds and the corresponding Reserve Bonds, if any) shall be deposited in the Costs of Issuance Fund held and invested by the Trustee under the Indenture and expended as directed by the Authority on costs of issuance as provided in the Indenture. The balance of the moneys received from the sale of the Note to the Authority shall be deposited in the Local Agency's Proceeds Subaccount hereby authorized to be created pursuant to, and held and invested by the Trustee under, the Indenture for the Local Agency and said moneys may be used and expended by the Local Agency for any purpose for which it is authorized to use and expend moneys, upon requisition from the Proceeds Subaccount as specified in the Indenture. Amounts in the Proceeds Subaccount are hereby pledged to the payment of the Note. The Trustee will not create subaccounts within the Proceeds Fund, but will keep records to account separately for proceeds of the Bonds allocable to the Local Agency's Note on deposit in the Proceeds Fund which shall constitute the Local Agency's Proceeds Subaccount.

Section 8. Source of Payment.

(A) The principal amount of the Note, together with the interest thereon, shall be payable from taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1996-1997 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local

Agency hereby pledges certain unrestricted revenues (as hereinafter provided, the "Pledged Revenues") which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1996-1997, and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the first moneys received by the Local Agency from such Pledged Revenues, and, to the extent not so paid, shall be paid from any other taxes, income, revenue, cash receipts and other moneys of the Local Agency lawfully available therefor (all as provided for in Sections 53856 and 53857 of the Act). The term "unrestricted revenues" shall mean all taxes, income, revenue (including, but not limited to, revenue from the state and federal governments), cash receipts, and other moneys, intended as receipts for the general fund of the Local Agency attributable to Fiscal Year 1996-1997 and which are generally available for the payment of current expenses and other obligations of the Local Agency. The Noteholders, Bondholders, Credit Provider and, if applicable, the Reserve Credit Provider shall have a first lien and charge on such certain unrestricted revenues as hereinafter provided which are received by the Local Agency and are attributable to Fiscal Year 1996-1997.

In order to effect the pledge referenced in the preceding paragraph, the Local Agency hereby agrees and covenants to establish and maintain a special account within the Local Agency's general fund to be designated the "1996-1997 Tax and Revenue Anticipation Note Payment Account" (the "Payment Account") and further agrees and covenants to maintain the Payment Account until the payment of the principal of the Note and the interest thereon. Notwithstanding the foregoing, if the Local Agency elects to have Note proceeds invested in Permitted Investments to be held by the Trustee pursuant to the Pricing Confirmation, a subaccount of the Payment Account (the "Payment Subaccount") shall be established for the Local Agency under the Indenture and proceeds credited to such account shall be pledged to the payment of the Note. The Trustee need not create a subaccount, but may keep a record to account separately for proceeds of the Note so held and invested by the Trustee which record shall constitute the Local Agency's Proceeds Subaccount. Transfers from the Payment Subaccount shall be made in accordance with the Indenture. The Local Agency agrees to transfer to and deposit in the Payment Account the first amounts received in the months specified in the Pricing Confirmation as Repayment Months (each individual month a "Repayment Month" and collectively "Repayment Months") (and any amounts received thereafter attributable to Fiscal Year 1996-1997) until the amount on deposit in the Payment Account, together with the amount, if any, on deposit in the Payment Subaccount, is equal in the respective Repayment Months identified in the Pricing Confirmation to the percentage of the principal and interest due on the Note at maturity specified in the Pricing Confirmation. In making such transfer and deposit, the Local Agency shall not be required to physically segregate the amounts to be transferred to and deposited in the Payment Account from the Local Agency's other general fund moneys, but, notwithstanding any commingling of funds for investment or other purposes, the amounts required to be transferred to and deposited in the Payment Account shall nevertheless be subject to the lien and charge created herein. Any one of the Authorized Representatives of the Local Agency is hereby authorized to approve the determination of the Repayment Months and percentages of the principal and interest due on the Note at maturity required to be on deposit in the Payment Account and/or the Payment Subaccount in each Repayment Month, all as specified in the Pricing Confirmation, by executing and delivering the Pricing Confirmation, such execution and delivery to be conclusive evidence of approval by this Legislative Body and such Authorized Representative; provided, however, that the maximum number of Repayment Months shall be six and the maximum amount of Pledged Revenues required to be deposited in each Repayment Month shall not exceed fifty percent (50%) of the principal and interest due on the Note at maturity. In the event on the day in each such Repayment Month that a deposit to the Payment Account is required to be made, the Local Agency has not received sufficient unrestricted revenues to permit the deposit into the Payment Account of the full amount of Pledged Revenues to be deposited in the Payment Account from said unrestricted revenues in said month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the Local Agency lawfully available for the payment of the principal of the Note and the interest thereon, as and when such other moneys are received or are otherwise legally available.

(B) Any moneys placed in the Payment Account or the Payment Subaccount shall be for the benefit of (i) the holder of the Note and the holders of Bonds issued in connection with the Notes, (ii) (to the extent provided in the Indenture) the Credit Provider, if any, and (iii) (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the Reserve Credit Provider, if any. The moneys in the Payment Account and the Payment Subaccount shall be applied only for the purposes for which such Accounts are created until the principal of the Note and all interest thereon are paid or until provision has been made for the payment of the principal of the Note at maturity with interest to maturity (in accordance with the requirements for defeasance of the Bonds as set forth in the Indenture) and, if applicable, (to the extent provided in the Indenture and, if applicable, the Credit Agreement) the payment of all Predefault Obligations and Reimbursement Obligations owing to the Credit Provider and, if applicable, the Reserve Credit Provider.

(C) The Local Agency hereby directs the Trustee to transfer, at least two (2) Business Days (as defined in the Indenture) prior to the Note Maturity Date (as defined in the Indenture), any moneys in the Payment Subaccount to the Bond Payment Fund (as defined in the Indenture). In addition, at least two (2) Business Days prior to the Maturity Date of the Note, the moneys in the Payment Account shall be transferred by the Local Agency to the Trustee, to the extent necessary, to pay the principal of and interest on the Note or to reimburse the Credit Provider for payments made under or pursuant to the Credit Instrument. In the event that moneys in the Payment Account and/or the Payment Subaccount are insufficient to pay the principal of and interest on the Note in full on the Maturity Date, such moneys shall be applied in the following priority: first to pay interest on the Note; second to pay principal of the Note; third to reimburse the Credit Provider for payment, if any, of interest with respect to the Note; fourth to reimburse the Credit Provider for payment, if any, of principal with respect to the Note; fifth to reimburse the Reserve Credit Provider, if any, for payment, if any, of interest with respect to the Note; sixth to reimburse the Reserve Credit Provider, if any, for payment, if any, of principal with respect to the Note; and seventh to pay any Reimbursement Obligations of the Local Agency and any of the Local Agency's pro rata share of Predefault Obligations owing to the Credit Provider and Reserve Credit Provider (if any) as applicable. Any moneys remaining in or accruing to the Payment Account and/or the Payment Subaccount after the principal of the Note and the interest thereon and any Predefault Obligations and Reimbursement Obligations, if applicable, have been paid, or provision for such payment has been made, shall be transferred to the general fund of the Local Agency, subject to any other disposition required by the Indenture, or, if applicable, the Credit Agreement. Nothing herein shall be deemed to relieve the Local Agency from its obligation to pay its Note in full on the Maturity Date.

(D) Moneys in the Proceeds Subaccount and in the Payment Subaccount shall be invested by the Trustee pursuant to the Indenture as directed by the Local Agency in Permitted Investments as described in and under the terms of the Indenture. Any such investment by the Trustee shall be for the account and risk of the Local Agency, and the Local Agency shall not be deemed to be relieved of any of its obligations with respect to the Note, the Predefault Obligations or Reimbursement Obligations, if any, by reason of such investment of the moneys in its Proceeds Subaccount or the Payment Subaccount.

(E) At the written request of the Credit Provider, if any, or the Reserve Credit Provider, if any, the Local Agency shall, within ten (10) Business Days following the receipt of such written request, file such report or reports to evidence the transfer to and deposit in the Payment Account required by this Section 8 and provide such additional financial information as may be required by the Credit Provider, if any, or the Reserve Credit Provider, if any.

Section 9. Execution of Note. Any one of the Authorized Representatives of the Local Agency or any other officer designated by the Legislative Body shall be authorized to execute the Note by manual or facsimile signature and the Secretary or Clerk of the Legislative Body of the Local Agency,

or any duly appointed assistant thereto, shall be authorized to countersign the Note by manual or facsimile signature. Said Authorized Representative of the Local Agency, is hereby authorized to cause the blank spaces of the Note to be filled in as may be appropriate pursuant to the Pricing Confirmation. The Authorized Representative is hereby authorized and directed to cause the Authority to assign the Note to the Trustee, pursuant to the terms and conditions of the Purchase Agreement, this Resolution and the Indenture. In case any Authorized Representative whose signature shall appear on any Note shall cease to be an Authorized Representative before the delivery of such Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Note need not bear the seal of the Local Agency, if any.

Section 10. Intentionally Left Blank. This section has been included to preserve the sequence of section numbers for cross-referencing purposes.

Section 11. Representations and Covenants of the Local Agency.

The Local Agency makes the following representations for the benefit of the holder of the Note, the owners of the Bonds, the Credit Provider, if any, and the Reserve Credit Provider, if any:

(A) The Local Agency is duly organized and existing under and by virtue of the laws of the State of California and has all necessary power and authority to (i) adopt this Resolution and perform its obligations thereunder, (ii) enter into and perform its obligations under the Purchase Agreement, and (iii) issue the Note and perform its obligations thereunder.

(B) (i) Upon the issuance of the Note, the Local Agency shall have taken all action required to be taken by it to authorize the issuance and delivery of the Note and the performance of its obligations thereunder, and (ii) the Local Agency has full legal right, power and authority to issue and deliver the Note.

(C) The issuance of the Note, the adoption of the Resolution and the execution and delivery of the Purchase Agreement, and compliance with the provisions hereof and thereof do not conflict with, breach or violate any law, administrative regulation, court decree, resolution, charter, by-laws or other agreement to which the Local Agency is subject or by which it is bound.

(D) Except as may be required under blue sky or other securities laws of any state or Section 3(a)(2) of the Securities Act of 1933, there is no consent, approval, authorization or other order of, or filing with, or certification by, any regulatory authority having jurisdiction over the Local Agency required for the issuance and sale of the Note or the consummation by the Local Agency of the other transactions contemplated by this Resolution, except those the Local Agency shall obtain or perform prior to or upon the issuance of the Note.

(E) The Local Agency has (or will have prior to the issuance of the Note) duly, regularly and properly adopted a preliminary budget for Fiscal Year 1996-1997 setting forth expected revenues and expenditures and has complied with all statutory and regulatory requirements with respect to the adoption of such budget. The Local Agency hereby covenants that it shall (i) duly, regularly and properly prepare and adopt its final budget for Fiscal Year 1996-1997, (ii) provide to the Trustee, the Credit Provider, if any, the Reserve Credit Provider, if any, and the Financial Advisor and the underwriter, promptly upon adoption, copies of such final budget and of any subsequent revisions, modifications or amendments thereto and (iii) comply with all applicable laws pertaining to its budget.

(F) The sum of the principal amount of the Local Agency's Note plus the interest payable thereon, on the date of its issuance, shall not exceed fifty percent (50%) of the estimated amounts of the Local Agency's uncollected taxes, income, revenue (including, but not limited to, revenue from

the state and federal governments), cash receipts, and other moneys to be received by the Local Agency for the general fund of the Local Agency attributable to Fiscal Year 1996-1997, all of which will be legally available to pay principal of and interest on the Note.

(G) The Local Agency (i) has not defaulted within the past twenty (20) years, and is not currently in default, on any debt obligation and (ii), to the best knowledge of the Local Agency, has never defaulted on any debt obligation.

(H) The Local Agency's most recent audited financial statements present fairly the financial condition of the Local Agency as of the date thereof and the results of operation for the period covered thereby. Except as has been disclosed to the Financial Advisor and the underwriter, the Credit Provider, if any, and the Reserve Credit Provider, if any, there has been no change in the financial condition of the Local Agency since the date of such audited financial statements that will in the reasonable opinion of the Local Agency materially impair its ability to perform its obligations under this Resolution and the Note. The Local Agency agrees to furnish to the Authority, the Financial Advisor, the underwriter, the Trustee, the Credit Provider, if any, and the Reserve Credit Provider, if any, promptly, from time to time, such information regarding the operations, financial condition and property of the Local Agency as such party may reasonably request.

(I) There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, arbitrator, governmental or other board, body or official, pending or, to the best knowledge of the Local Agency, threatened against or affecting the Local Agency questioning the validity of any proceeding taken or to be taken by the Local Agency in connection with the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, or this Resolution, or seeking to prohibit, restrain or enjoin the execution, delivery or performance by the Local Agency of any of the foregoing, or wherein an unfavorable decision, ruling or finding would have a materially adverse effect on the Local Agency's financial condition or results of operations or on the ability of the Local Agency to conduct its activities as presently conducted or as proposed or contemplated to be conducted, or would materially adversely affect the validity or enforceability of, or the authority or ability of the Local Agency to perform its obligations under, the Note, the Purchase Agreement, the Indenture, the Credit Agreement, if any, the Reserve Credit Agreement, if any, or this Resolution.

(J) Upon issuance of the Note and execution of the Purchase Contract, this Resolution, the Purchase Contract and the Note will constitute legal, valid and binding agreements of the Local Agency, enforceable in accordance with their respective terms, except as such enforceability may be limited by bankruptcy or other laws affecting creditors' rights generally, the application of equitable principles if equitable remedies are sought, the exercise of judicial discretion in appropriate cases and the limitations on legal remedies against local agencies, as applicable, in the State of California.

(K) The Local Agency and its appropriate officials have duly taken, or will take, all proceedings necessary to be taken by them, if any, for the levy, receipt, collection and enforcement of the Pledged Revenues in accordance with law for carrying out the provisions of this Resolution and the Note.

(L) The Local Agency shall not incur any indebtedness secured by a pledge of its Pledged Revenues unless such pledge is subordinate in all respects to the pledge of Pledged Revenues hereunder.

(M) So long as the Credit Provider, if any, is not in default under the Credit Instrument or the Reserve Credit Provider, if any, is not in default under the corresponding Reserve Credit Agreement, the Local Agency hereby agrees to pay its pro rata share of all Predefault Obligations and all Reimbursement Obligations attributable to the Local Agency in accordance with provisions of the

Credit Agreement, if any, the Reserve Credit Agreement, if any, and/or the Indenture, as applicable. Prior to the Maturity Date, moneys in the Local Agency's Payment Account and/or Payment Subaccount shall not be used to make such payments. The Local Agency shall pay such amounts promptly upon receipt of notice from the Credit Provider or from the Reserve Credit Provider, if applicable, that such amounts are due to it.

(N) So long as any Bonds issued in connection with the Notes are Outstanding, or any Predefault Obligation or Reimbursement Obligation is outstanding, the Local Agency will not create or suffer to be created any pledge of or lien on the Note other than the pledge and lien of the Indenture.

Section 12. Tax Covenants. (A) The Local Agency shall not take any action or fail to take any action if such action or failure to take such action would adversely affect the exclusion from gross income of the interest payable on the Note or Bonds under Section 103 of the Internal Revenue Code of 1986 (the "Code"). Without limiting the generality of the foregoing, the Local Agency shall not make any use of the proceeds of the Note or Bonds or any other funds of the Local Agency which would cause the Note or Bonds to be an "arbitrage bond" within the meaning of Section 148 of the Code, a "private activity bond" within the meaning of Section 141(a) of the Code, or an obligation the interest on which is subject to federal income taxation because it is "federally guaranteed" as provided in Section 149(b) of the Code. The Local Agency, with respect to the proceeds of the Note, will comply with all requirements of such sections of the Code and all regulations of the United States Department of the Treasury issued or applicable thereunder to the extent that such requirements are, at the time, applicable and in effect.

(B) The Local Agency hereby (i) represents that the aggregate face amount of all tax-exempt obligations (including any tax-exempt leases, but excluding private activity bonds), issued and to be issued by the Local Agency during calendar year 1996, including the Note, is not reasonably expected to exceed \$5,000,000; or (ii) covenants that the Local Agency will take all legally permissible steps necessary to ensure that all of the gross proceeds of the Note will be expended no later than the day that is six months after the date of issuance of the Note so as to satisfy the requirements of Section 148(f)(4)(B) of the Code.

(C) Notwithstanding any other provision of this Resolution to the contrary, upon the Local Agency's failure to observe, or refusal to comply with, the covenants contained in this Section 12, no one other than the holders or former holders of the Note, the owners of the Bond, the Credit Provider, if any, the Reserve Credit Provider, if any, or the Trustee on their behalf shall be entitled to exercise any right or remedy under this Resolution on the basis of the Local Agency's failure to observe, or refusal to comply with, such covenants.

(D) The covenants contained in this Section 12 shall survive the payment of the Note.

Section 13. Events of Default and Remedies.

If any of the following events occurs, it is hereby defined as and declared to be and to constitute an "Event of Default":

(A) Failure by the Local Agency to make or cause to be made the transfers and deposits to the Payment Account, or any other payment required to be paid hereunder, including payment of principal and interest on the Note, on or before the date on which such transfer, deposit or other payment is due and payable;

(B) Failure by the Local Agency to observe and perform any covenant, condition or agreement on its part to be observed or performed under this Resolution, for a period of fifteen

(15) days after written notice, specifying such failure and requesting that it be remedied, is given to the Local Agency by the Trustee, the Credit Provider, if applicable, or the Reserve Credit Provider, if applicable, unless the Trustee and the Credit Provider or the Reserve Credit Provider, if applicable, shall all agree in writing to an extension of such time prior to its expiration;

(C) Any warranty, representation or other statement by or on behalf of the Local Agency contained in this Resolution or the Purchase Agreement (including the Pricing Confirmation) or in any requisition or any financial report delivered by the Local Agency or in any instrument furnished in compliance with or in reference to this Resolution or the Purchase Agreement or in connection with the Note, is false or misleading in any material respect;

(D) A petition is filed against the Local Agency under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect and is not dismissed within 30 days after such filing, but the Trustee shall have the right to intervene in the proceedings prior to the expiration of such thirty (30) days to protect its and the Bond Owners' (or Noteholders') interests;

(E) The Local Agency files a petition in voluntary bankruptcy or seeking relief under any provision of any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution or liquidation law of any jurisdiction, whether now or hereafter in effect, or consents to the filing of any petition against it under such law; or

(F) The Local Agency admits insolvency or bankruptcy or is generally not paying its debts as such debts become due, or becomes insolvent or bankrupt or makes an assignment for the benefit of creditors, or a custodian (including without limitation a receiver, liquidator or trustee) of the Local Agency or any of its property is appointed by court order or takes possession thereof and such order remains in effect or such possession continues for more than 30 days, but the Trustee shall have the right to intervene in the proceedings prior to the expiration of such thirty (30) days to protect its and the Bond Owners' or Noteholders' interests.

Whenever any Event of Default referred to in this Section 13 shall have happened and be continuing, the Trustee, as holder of the Note, shall, in addition to any other remedies provided herein or by law or under the Indenture, if applicable, have the right, at its option without any further demand or notice, to take one or any combination of the following remedial steps:

(1) Without declaring the Note to be immediately due and payable, require the Local Agency to pay to the Trustee, as holder of the Note, an amount equal to the principal of the Note and interest thereon to maturity, plus all other amounts due hereunder, and upon notice to the Local Agency the same shall become immediately due and payable by the Local Agency without further notice or demand; and

(2) Take whatever other action at law or in equity (except for acceleration of payment on the Note) which may appear necessary or desirable to collect the amounts then due and thereafter to become due hereunder and under the Note or to enforce any other of its rights hereunder.

Notwithstanding the foregoing, if the Local Agency's Note is secured in whole or in part by a Credit Instrument (other than the Reserve Fund) or if the Credit Provider is subrogated to rights under the Local Agency's Note, as long as the Credit Provider has not failed to comply with its payment obligations under the Credit Instrument, the Credit Provider shall have the right to direct the remedies upon any Event of Default hereunder, and, notwithstanding the foregoing, if a Reserve Credit Instrument

is applicable, as long as the Reserve Credit Provider has not failed to comply with its payment obligations under the Reserve Credit Agreement, the Reserve Credit Provider shall have the right (prior to the Credit Provider) to direct the remedies upon any Event of Default hereunder, in each case so long as such action will not materially adversely affect the rights of any Bond Owner, and the Credit Provider's and Reserve Credit Provider's (if any) prior consent shall be required to any remedial action proposed to be taken by the Trustee hereunder.

If the Credit Provider is not reimbursed on the Maturity Date for the drawing, payment or claim, as applicable, used to pay principal of and interest on the Note due to a default in payment on the Note by the Local Agency, or if any principal of or interest on the Note remains unpaid after the Maturity Date, the Note shall be a Defaulted Note, the unpaid portion (including the interest component, if applicable) thereof or the portion (including the interest component, if applicable) to which a Credit Instrument applies for which reimbursement on a draw, payment or claim has not been made shall be deemed outstanding and shall bear interest at the Default Rate until the Local Agency's obligation on the Defaulted Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

If the Credit Instrument is the Reserve Fund and the Reserve Bonds are secured by the Reserve Credit Instrument and all principal of and interest on the Note is not paid in full by the Reserve Principal Payment Date, the Defaulted Note shall become a Defaulted Reserve Note and the unpaid portion (including the interest component, if applicable) thereof (or the portion thereof with respect to which the Reserve Fund applies for which reimbursement on a Drawing has not been fully made) shall be deemed outstanding and shall bear interest at the Default Rate until the Local Agency's obligation on the Defaulted Reserve Note is paid in full or payment is duly provided for, all subject to Section 8 hereof.

Section 14. Trustee. The Local Agency hereby directs and authorizes the payment by the Trustee of the interest on and principal of the Note when such become due and payable, from amounts received by the Trustee from the Local Agency in the manner set forth herein. The Local Agency hereby covenants to deposit funds in such account or fund, as applicable, at the time and in the amount specified herein to provide sufficient moneys to pay the principal of and interest on the Note on the day on which it matures. Payment of the Note shall be in accordance with the terms of the Note and this Resolution.

Section 15. Sale of Note. The Note shall be sold to the Authority, in accordance with the terms of the Purchase Agreement, hereinbefore approved, and issued payable to the Trustee, as assignee of the Authority.

Section 16. Intentionally Left Blank. This section has been included to preserve the sequence of section numbers for cross-referencing purposes.

Section 17. Approval of Actions. The aforementioned Authorized Representatives of the Local Agency are hereby authorized and directed to execute the Note and cause the Trustee to accept delivery of the Note, pursuant to the terms and conditions of the Purchase Agreement and the Indenture. All actions heretofore taken by the officers and agents of the Local Agency or this Legislative Body with respect to the sale and issuance of the Note and participation in the Program are hereby approved, confirmed and ratified and the Authorized Representatives and agents of the Local Agency are hereby authorized and directed, for and in the name and on behalf of the Local Agency, to do any and all things and take any and all actions and execute any and all certificates, agreements and other documents which they, or any of them, may deem necessary or advisable in order to consummate the lawful issuance and delivery of the Note in accordance with, and related transactions contemplated by, this Resolution. The Authorized Representatives of the Local Agency referred to above in Section 4 hereof are hereby designated as "Authorized Local Agency Representatives" under the Indenture.

In the event that the Note or a portion thereof is secured by a Credit Instrument, any one of the Authorized Representatives of the Local Agency is hereby authorized and directed to provide the Credit Provider and, if applicable, the Reserve Credit Provider, with any and all information relating to the Local Agency as such Credit Provider or Reserve Credit Provider may reasonably request.

Section 18. Proceedings Constitute Contract. The provisions of the Note and of this Resolution shall constitute a contract between the Local Agency and the registered owner of the Note, and such provisions shall be enforceable by mandamus or any other appropriate suit, action or proceeding at law or in equity in any court of competent jurisdiction, and shall be irrevocable. The Credit Provider, if any, and the Reserve Credit Provider, if any, are third party beneficiaries of the provisions of this Resolution and the Note.

Section 19. Limited Liability. Notwithstanding anything to the contrary contained herein or in the Note or in any other document mentioned herein or related to the Note or to any Series of Bonds to which the Note may be assigned, the Local Agency shall not have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby except to the extent payable from moneys available therefor as set forth in Section 8 hereof.

Section 20. Amendments. At any time or from time to time, the Local Agency may adopt one or more Supplemental Resolutions with the written consents of the Authority, the Credit Provider, if any, and the Reserve Credit Provider, if any, but without the necessity for consent of the owner of the Note or of the Bonds issued in connection with the Note for any one or more of the following purposes:

(A) to add to the covenants and agreements of the Local Agency in this Resolution, other covenants and agreements to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(B) to add to the limitations and restrictions in this Resolution, other limitations and restrictions to be observed by the Local Agency which are not contrary to or inconsistent with this Resolution as theretofore in effect;

(C) to confirm, as further assurance, any pledge under, and the subjection to any lien or pledge created or to be created by, this Resolution, of any monies, securities or funds, or to establish any additional funds or accounts to be held under this Resolution;

(D) to cure any ambiguity, supply any omission, or cure or correct any defect or inconsistent provision in this Resolution; or

(E) to amend or supplement this Resolution in any other respect;

provided, however, that any such Supplemental Resolution does not adversely affect the interests of the owners of the Note or of the Bonds issued in connection with the Notes.

Any modifications or amendment of this Resolution and of the rights and obligations of the Local Agency and of the owner of the Note or of the Bonds issued in connection with the Note may be made by a Supplemental Resolution, with the written consent of the owners of at least a majority in principal amount of the Note and of the Bonds issued in connection with the Note outstanding at the time such consent is given; provided, however, that if such modification or amendment will, by its terms, not take effect so long as the Note or any Bonds issued in connection with the Note remain outstanding, the consent of the owners of such Note or of such Bonds shall not be required. No such modification or amendment shall permit a change in the maturity of the Note or a reduction of the principal amount

thereof or an extension of the time of any payment thereon or a reduction of the rate of interest thereon, or a change in the date or amounts of the pledge set forth in this Resolution, without the consent of the owners of such Note or the owners of all the Bonds issued in connection with the Note, or shall reduce the percentage of the Note or Bonds the consent of the owners of which is required to effect any such modification or amendment, or shall change or modify any of the rights or obligations of the Trustee without its written assent thereto.

Section 21. Severability. In the event any provision of this Resolution shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 22. Appointment of Bond Counsel. The law firm of Orrick, Herrington & Sutcliffe, Los Angeles, California is hereby appointed as Bond Counsel for the Program. The Local Agency acknowledges that Bond Counsel regularly performs legal services for many private and public entities in connection with a wide variety of matters, and that Bond Counsel has represented, is representing or may in the future represent other public entities, underwriters, trustees, rating agencies, insurers, credit enhancement providers, lenders, financial and other consultants who may have a role or interest in the proposed financing or that may be involved with or adverse to Local Agency in this or some other matter. Given the special, limited role of Bond Counsel described above the Local Agency acknowledges that no conflict of interest exists or would exist, waives any conflict of interest that might appear to exist, and consents to any and all such relationships.

Section 23. Appointment of Financial Advisor and Underwriter. Sutro & Co. Incorporated, Los Angeles, California is hereby appointed as financial advisor for the Program. Morgan Stanley & Co. Inc., together with such co-underwriters, if any, identified in the Purchase Contract, is hereby appointed as underwriter for the Program.

Section 24. Effective Date. This Resolution shall take effect from and after its date of adoption.

Section 25. Resolution Parameters.

- (A) Name of Local Agency: CITY OF MODESTO
- (B) Maximum Amount of Borrowing: \$3,500,000
- (C) Authorized Representatives:

TITLE

- 1. Director of Finance
- 2. _____
- 3. _____
- 4. _____

[Attach form of Certification of the Secretary or Clerk of the Legislative Body, with respect to the Resolution, if desired (such form of Certification is not required).]

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

EXHIBIT A

[NAME OF LOCAL AGENCY]
1996-1997 TAX AND REVENUE ANTICIPATION NOTE, [SERIES ___]^{2/}

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>
----------------------	----------------------	-------------------------------

REGISTERED OWNER:

PRINCIPAL AMOUNT: _____ DOLLARS

FOR VALUE RECEIVED, the Local Agency designated above (the "Local Agency"), acknowledges itself indebted to and promises to pay to the registered owner identified above, or registered assigns, on the maturity date set forth above, the principal sum specified above in lawful money of the United States of America, together with interest thereon at the rate of interest specified above (the "Note Rate"). Principal of and interest on this Note are payable in such coin or currency of the United States as at the time of payment is legal tender for payment of private and public debts, such principal and interest to be paid upon surrender hereof at the principal corporate trust office of U.S. Trust Company of California, N.A. in Los Angeles, California, or its successor in trust (the "Trustee"). Interest shall be calculated on the basis of a 360-day year, consisting of twelve 30-day months, in like lawful money from the date hereof until the maturity date specified above and, if funds are not provided for payment at maturity, thereafter on the basis of a 360-day year for actual days elapsed until payment in full of said principal sum. Both the principal of and interest on this Note shall be payable only to the registered owner hereof upon surrender of this Note as the same shall fall due; provided, however, no interest shall be payable for any period after maturity during which the holder hereof fails to properly present this Note for payment. If the Local Agency fails to pay this Note when due or the Credit Provider (as defined in the Resolution hereinafter described and in that certain Indenture of Trust, dated as of _____ 1, 1996 (the "Indenture"), by and between the California Statewide Communities Development Authority and U.S. Trust Company of California, N.A., as trustee), if any, is not reimbursed in full for the amount drawn on or paid pursuant to the Credit Instrument (as defined in the Resolution and the Indenture) to pay all or a portion (including the interest component, if applicable) of this Note on the date of such payment, this Note shall become a Defaulted Note (as defined in the Resolution and the Indenture and with the consequences set forth in the Resolution and the Indenture, including, without limitation, that this Note as a Defaulted Note (and any related reimbursement obligation with respect to a credit instrument) shall bear interest at the Default Rate, as defined in the Indenture).

It is hereby certified, recited and declared that this Note represents the authorized issue of the Note in the aggregate principal amount authorized, executed and delivered pursuant to and by authority of certain resolutions of the Local Agency duly passed and adopted heretofore, under and by authority of Article 7.6 (commencing with Section 53850) of Chapter 4, Part 1, Division 2, Title 5 of the California Government Code (collectively, the "Resolution"), to all of the provisions and limitations of which the owner of this Note, by acceptance hereof, assents and agrees.

The principal of the Note, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the Local Agency for the general fund of the Local Agency and are attributable to Fiscal Year 1996-1997 and which are available for payment thereof. As security for the payment of the principal of and interest on the Note, the Local Agency has pledged the first amounts of unrestricted revenues of the Local Agency received on the last day of ____ and ____ (and any amounts received thereafter attributable to Fiscal Year 1996-1997) until the amount on deposit in the Payment Account (as defined in the Resolution), together with available amounts, if any, on deposit in the Payment Subaccount (as defined in the Resolution) in each such month, is equal to the corresponding percentages of principal of and interest due on the Note at maturity set forth in the Pricing Confirmation (as defined in the Resolution) (such pledged amounts being hereinafter called the "Pledged Revenues"), and the principal of the Note and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues, and to the extent not so paid shall

^{2/} If more than one Series of Bonds is issued under the Program in Fiscal Year 1995-1996 and if the Note is pooled with notes issued by other Issuers (as defined in the Resolution).

be paid from any other moneys of the Local Agency lawfully available therefor as set forth in the Resolution. The full faith and credit of the Local Agency is not pledged to the payment of the principal of or interest on this Note.

The Local Agency and the Trustee may deem and treat the registered owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the Local Agency and the Trustee shall not be affected by any notice to the contrary.

It is hereby certified that all of the conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of this Note do exist, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of California and that the amount of this Note, together with all other indebtedness of the Local Agency, does not exceed any limit prescribed by the Constitution or statutes of the State of California.

IN WITNESS WHEREOF, the Legislative Body of the Local Agency has caused this Note to be executed by the manual or facsimile signature of a duly Authorized Representative of the Local Agency and countersigned by the manual or facsimile signature of the Secretary or Clerk of the Legislative Body as of the date of authentication set forth below.

[NAME OF LOCAL AGENCY]

By _____
Title:

Countersigned

By _____
Title:

MODESTO CITY COUNCIL
RESOLUTION NO. 96-262

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND MODESTO ROTARY FOR INSTALLATION OF PLAYGROUND EQUIPMENT AT WESTSIDE PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for Installation of Playground Equipment at Westside Park between the City of Modesto and Modesto Rotary be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-263

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND STEWART W. AND BETTY J. BRADLEY FOR THE LEASE OF APPROXIMATELY ONE-HALF ACRE OF PROPERTY IN VILLAGE ONE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stewart W. and Betty J. Bradley for the lease of approximately one-half acre of property in Village One for the purpose of providing water to their property be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-264

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT CONSENTING TO COMMON USE IN THE EMPIRE WEST NEIGHBORHOOD PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District consenting to common use in the Empire West 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 May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-265

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEARD LAND IMPROVEMENT COMPANY FOR REIMBURSEMENT FOR THE COST OF IMPROVEMENTS RELATED TO THE IMPROVEMENT TO THE YOSEMITE/CLAUS/GARNER INTERSECTION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Beard Land Improvement Company for Reimbursement for the Cost of Improvements Related to the Improvement to the Yosemite/Claus/Garner Intersection be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-266

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO & EMPIRE TRACTION COMPANY (M&ET) FOR REIMBURSEMENT FOR THE COST OF LOWERING THE RAILROAD TRACKS AT GARNER ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto & Empire Traction Company (M&ET) for Reimbursement for the Cost of Lowering the Railroad Tracks at Garner Road be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-267

A RESOLUTION REAPPOINTING MEMBERS TO THE DOWNTOWN IMPROVEMENT DISTRICT
ADVISORY BOARD

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

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

SECTION 1. Tom Slater is hereby reappointed to the Downtown Improvement
District Advisory Board, with term expiration of January 1, 1999; Norma Reed
is hereby reappointed to the Downtown Improvement District Advisory Board,
with term expiration of January 1, 2000.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the reappointed members of the Downtown Improvement District
Advisory 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 14th day of May, 1996, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember McClanahan, was upon roll call carried and the
resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-268

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF CURB AND/OR SIDEWALK ALONG ROSE AVENUE, BRIGHTON AVENUE, ELM AVENUE AND EMERALD AVENUE

WHEREAS, Chapter 27 of Part 3 of Division 7 of Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required; and

WHEREAS, the Superintendent of Streets did set the 21st day of May, 1996, at 7:00 p.m., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work; and

WHEREAS, the Superintendent of Streets has caused notices to be posted and mailed as required by the Streets and Highways Code; and

WHEREAS, at the time set for hearing the protests and objections to the proposed work, the said Council proceeded to hear the same.

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

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notices on file in the office of the City Clerk, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in the notices in accordance with the provisions of Chapter 27, Part 3, of Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1996, by

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

AYES: Councilmembers: Dobbs, Friedman, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-269

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL INC. FOR PROJECT TITLED
PUBLIC FACILITIES DISTRICT NO. 11 - ROSE/ELM SIDEWALKS

WHEREAS, the bids received for Public Facilities District No. 11 were opened on April 16, 1996, 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 Ross F. Carroll Inc. for \$77,208.50 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 Inc. for \$77,208.50 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 May, 1996, 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:	Dobbs, Friedman, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 96-270**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO ESTIMATE AND CONSOLIDATE FUNDING FOR PUBLIC FACILITY DISTRICT NO 11 - ROSE/ELM SIDEWALKS.

WHEREAS, this project calls for installation of curb, gutter, sidewalks driveways, street and rockwells on Rose Brighton, Elm, and Emerald avenues under Public facilities District No 11 and the mandatory sidewalk program.

WHEREAS, the funding for this project will come from the following projects and revenue:

0 7 0 - 4 3 0 - E 4 5 8	Rose Avenue PFD No. 11 (Gas tax portion only)	\$13,000.
070-430-F685	Sidewalk Special Assessment (Gas tax portion only)	\$9,900.
070-430-F683	Reimburse Development for Improvements	\$35,000.
628-480-F746	Rockwell Replacement/Additions 95/96	\$9,072.
	Assessment District Revenue	\$25,909.

WHEREAS, the following adjustments are necessary:

Special Gas Tax Fund 070

Fund/Agy/Org		Increase (Decrease)
	Expenditures	
070-430-E458	Rose Ave PFD No. 11 (reduce to Gas Tax ONLY)	(\$62,000)
070-430-E458	Rose Ave PFD No. 11	\$79,881
070-430-F685	Sidewalk Special Assessment (Gas tax portion only)	\$9,900
070-430-F683	Reimburse Development for Improvements	\$35,000
	Revenue	
070-510-9510-5101	Assessment District Revenue	\$25,909
070-700-7000-9628	Transfer in from Storm Drain Fund	\$9,072

Storm Drainage Fund (628)

628-480-F746	Rockwell Replacement/Additions 95/96	(\$9,072)
628-700-7000-7070	Transfer out to Gas Tax Fund	\$9,072

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1996, 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: Dobbs, Friedman, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

● ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-271

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING LIQUID CHLORINE
REQUIREMENTS

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 Liquid Chlorine Requirements, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 3, 1996 at 2:00 p.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 21st day of May, 1996, 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:	Dobbs, Friedman, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-272

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ROCK, SAND AND GRAVEL

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 Rock, Sand and Gravel, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 3, 1996 at 2:05 p.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 21st day of May, 1996, 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:	Dobbs, Friedman, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-273

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING TRAFFIC SIGNAL
ACCESSORIES

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 Traffic Signal Accessories, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 10, 1996 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 21st day of May, 1996, 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:	Dobbs, Friedman, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-274

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR PURCHASE OF OIL RECYCLING
CONTAINERS

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 Purchase of Oil Recycling Containers, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 18, 1996 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 21st day of May, 1996, 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:	Dobbs, Friedman, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-275

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR PURCHASE OF FLAP GATE CHECK VALVES

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 purchase of Flap Gate Check Valves, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 19, 1996 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 21st day of May, 1996, 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:	Dobbs, Friedman, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-276

A RESOLUTION ACCEPTING THE BID OF TRIDENT DATA SYSTEMS, A DIVISION OF FILENET CORPORATION FOR THE PURCHASE OF AN ELECTRONIC DOCUMENT IMAGING SYSTEM WITH SOFTWARE AND RELATED TRAINING

WHEREAS, Resolution No. 96-43, adopted by the Council of the City of Modesto on January 23, 1996, authorized the calling for bids for purchase of an electronic document imaging system; and

WHEREAS, the bids received for an electronic document imaging system were opened at 11:00 a.m. on March 19, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Trident Data Systems, a division of FileNet, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Trident Data Systems, a division of FileNet, 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 May, 1996, 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:	Dobbs, Friedman, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-277

A RESOLUTION REJECTING BIDS FOR VARIABLE SPEED DRIVES-EFFLUENT PUMPS, OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 19, 1996, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, bids received for Variable Speed Drives - Effluent Pumps, were opened on April 23, 1996; and

WHEREAS, during the bid evaluation process, staff learned of electrical incompatibility with the City's generating system and recommends bids be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for variable speed drives-effluent pumps, opened in the office of the City Clerk on April 23, 1996, are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1996, 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: Dobbs, Friedman, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

1/1/86

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-278**

A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR 1995-96 TO ACCEPT AN OPERATING TRANSFER FROM FUND 902 (RDA), ESTABLISHING A NEW CIP ACCOUNT IN FUND 130, FOR THE PURCHASE OF THE COVELL HOTEL AT A TAX SALE.

WHEREAS, it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto to appropriate \$226,000 for the purchase of the Covell Hotel at a tax sale.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1995-96 Annual Budget be amended as follows:

SPECIAL FUND FOR CAPITAL OUTLAY/
REDEVELOPMENT AGENCY FUND
APPROPRIATION/REVENUE ADJUSTMENTS

FUND/ACCOUNT	DESCRIPTION	CURRENT BUDGET	ADJUSTMENT	REVISED BUDGET
Special Fund for Capital Outlay				
Appropriations:				
130-140-F823-6030	Covell Hotel Purchase	0	226,000	226,000
Revenues:				
130-700-7000-9902	Transfer In from Redevelopment	0	226,000	226,000
Redevelopment Agency Fund				
Appropriations:				
902-800-8000-8003	Contingency Reserve	829,139	(226,000)	603,139
902-700-7000-7130	Transfer Out to Special Fund for Capital Outlay	0	226,000	226,000

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1996, 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: Dobbs, Friedman, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-279

A RESOLUTION APPROVING A MERGER AGREEMENT BETWEEN THE CITY OF MODESTO AND
HIGHWAY VILLAGE COMMUNITY SERVICES DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the merger agreement between the City of Modesto and Highway Village Community Services District be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1996, 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: Dobbs, Friedman, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Handwritten initials

MODESTO CITY COUNCIL
RESOLUTION NO. 96-280

A RESOLUTION REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO PROCEED WITH THE PROPOSED MERGER OF THE HIGHWAY VILLAGE COMMUNITY SERVICES DISTRICT WITH 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 territory of the Community Services District is included entirely within the boundaries of the City of Modesto, and California Government Code section 5117 provides that a district such districts may be merged with a city, and

WHEREAS, on April 2, 1996, the Highway Village Community Service District Board of Directors adopted a resolution agreeing to merge with the City, and on May 7, 1996, the District Board of Directors approved a Merger Agreement with the City of Modesto, and

WHEREAS, on May 21, 1996, concurrently with the adoption of this resolution, the Council adopted Resolution No. 96-279 approving a Merger Agreement with the Highway Village Community Services District, and

WHEREAS, pursuant to California Government Code section 56375(a), the Stanislaus County Local Agency Formation Commission has the power to review and approve proposals for changes of organization such as the merger proposal stated herein, and

WHEREAS, thus, it is necessary for the City to file an application with the Local Agency Formation Commission requesting the merging of the District with the City, and State law provides that such a proposal is to be submitted to the Board of Supervisors as the conducting authority to conclude such action,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby directed to file an application with the Local Agency Formation Commission requesting the initiation of proceedings to merge the Highway Village Community Service District with the City of Modesto as agreed upon in said Merger Agreement dated May 21, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1996, 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:	Dobbs, Friedman, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By R. Stevens, asst
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-281

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CITY OF CERES TO PROVIDE MAINTENANCE AND MANAGEMENT OF THEIR TRAFFIC SIGNAL SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and City of Ceres for maintenance and management of their traffic signal system be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of May, 1996, 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: Dobbs, Friedman, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Chick

**MODESTO CITY COUNCIL
RESOLUTION 96-282**

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE FUNDS FOR THE CITY OF CERES TRAFFIC SIGNAL MAINTENANCE.

WHEREAS, the City of Ceres has 15 traffic signals in operation. At the present time, they do not have qualified personnel to adequately maintain these traffic signals. Currently Caltrans is maintaining traffic signals in Ceres.

WHEREAS, the Cities of Modesto and Ceres have received federal grants to allow installation of an Advanced Traffic Maintenance System (ATMS). The ATMS system will allow us to control their traffic signal system from our City Hall.

WHEREAS, the City of Ceres has requested that we maintain and manage their traffic signal system to improve response items. The City of Modesto has qualified personnel to provide this service and will benefit from the revenues obtained by this enterprise. Also the traffic flow between both cities will be managed from a centralized location, therefore benefitting both communities.

WHEREAS, it is estimated that the cost to maintain and manage the City of Ceres traffic signals will be \$20,000 per year. This resolution will estimate and appropriate \$20,000 of revenue.

The following adjustments are necessary:

Special Gas Tax Fund 070		
Fund/Agy/Org		Increase (Decrease)
Expenditures		
070-160-E975-6040	Ceres - Traffic Signal Maintenance	\$20,000
Revenues		
070-510-9510-3760	Revenue-Other Cities	\$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 21st day of May, 1996, 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: Dobbs, Friedman, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-283

A RESOLUTION APPROVING THE FISCAL YEAR 1996-97 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), EXCEPTING ITEM 31 OF SAID PLAN; APPROVING THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM, AND THE 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 28, 1996, to consider the submittal of an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 1996-1997 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

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, excepting Item 31 of said Plan, 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 1996-1997

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 28th day of May, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-283A

A RESOLUTION APPROVING THE FISCAL YEAR 1996-97 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), INCLUDING ITEM 31 OF SAID PLAN; APPROVING THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM, AND THE 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 28, 1996, to consider the submittal of an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 1996-1997 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

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, including Item 31 of said Plan, 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 1996-1997

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 28th day of May, 1996, by Councilmember McClanahan, 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:	Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	Dobbs, Fisher, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-284

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 LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(512), PROPERTY LOCATED ON THE NORTHEAST CORNER OF STANDIFORD AVENUE AND CARVER ROAD. (IRWIN STEINPRESS)

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, Irwin Steinpress has proposed that the zoning designation for his property located on the northeast corner of Standiford Avenue and Carver Road be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(512), property located on the northeast corner of Standiford Avenue and Rumble Road, in the City of Modesto ("the project"), and

WHEREAS, on April 23, 1996, the City's Community Development Department by Environmental Assessment 96-48 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 May 6, 1996, 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 April 23, 1996, 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 28th day of May, 1996, 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:	Dobbs, Fisher, Friedman, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

**City of Modesto
Initial Study**

E.A. No. 96-48

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the P-D Zone change. 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: **Proposed P-D Zoning at Northeast corner of Standiford and Carver Road to Locate A Del Taco Restaurant**
- B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:
Irwin Steinpress, 4871 Hunt Road, Farmington, CA 95230
- D. Project Location:
Northeast corner of Standiford Avenue and Carver Road
- E. Project sponsor: John and Mike Stavrikakis
- F. General Plan Designation: Mixed Use
- G. Current Zoning: R-1
- H. Description of Proposed Project: This project is a Rezone application to amend the zoning map from R-1 (Residential) to P-D (Planned Development) to allow for the development of a restaurant with a drive-thru component on a 38,000+ square foot parcel on the the northeast corner of Standiford Avenue and Carver Road. There will be 48 parking spaces with a self contained play apparatus for children adjacent to the dining area.

I. Surrounding land uses: This project is surrounded by the MID Substation on the north and east. To the south is Standiford Avenue and to the west is Carver Road.

J. Other public agencies whose approval is required: MID

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 project will provide over 390 linear feet of public street right-of-way. All of this will be improved to City standard. This is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. **Degradation of Air Quality**

This project will provide infill commercial development within the City of Modesto. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**

This project is adjacent to and surrounded by urban development. Although the project will add additional traffic to the neighborhood, it will not create additional significant effects beyond those identified in the impact analysis. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**

The project is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**

This project which will provide for additional commercial 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.

F. Increased Demand for Sanitary Sewer Services

This project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites

This project and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

L. Drainage, Flooding and Water Quality

The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

J. Increased Demand for Storm Drainage

The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

K. Increased Demand for Parks and Open Space

This project will not have an effect upon the parks or open space needs in the area. Orchard Park is located north and west of this proposed development. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed

in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. Increased Demand for Schools

this project will not generate any additional demand upon the local school districts. In addition, 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 proposal has a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. Increased Demand for Fire Services

This subdivision proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 6 is less than 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 subdivision and subsequent development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are, therefore still valid.

P. Generation of Hazardous Materials

This proposal will result in no additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. Landslides and Seismic Activity

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. Energy

This proposal will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed P-D zoning application is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).
- B. The Project 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 zone change to P-D that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: _____

John Meyer

Date: _____

4-23-96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-285

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(512). (IRWIN
STEINPRESS)

WHEREAS, a verified application for an amendment to
Section 7-3-9 of the Zoning Map was filed by Irwin Steinpress on
March 11, 1996, to reclassify from Low Density Residential Zone,
R-1, to Planned Development Zone, P-D, to allow a fast food
restaurant, property located on the northeast corner of
Standiford Avenue and Carver Road, described as follows:

R-1 to P-D(512)

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

All that portion of the North one-half of Section 7,
Township 3 South, Range 9 East, Mount Diablo Base and
Meridian, described as follows:

Beginning at a point on the North line of a County Road
known as Standiford Avenue 20.00 feet north of the
center of said Section 7; thence South 89° 28' East
along the North line of Standiford Avenue, 9.50 feet to
a point; thence North 1° 0' West 203.50 feet to a
point; thence North 89° 20' West 212.50 feet to the
East line of a county road known as Carver Road; thence
South 1° 10' East along the East line of said road
203.50 feet to the North line of Standiford Avenue;
thence South 89° 28' East along the North line of said
last mentioned road 203 feet to the point of beginning.

Excepting therefrom all that portion granted to the
City of Modesto by deed recorded November 30, 1977 in
Volume 2991 of Official Records, Page 706, as
Instrument No. 35077.

Also excepting therefrom all that portion granted to
the City of Modesto by Deed recorded July 17, 1989 as
instrument No. 054544.

Also including the east half of Carver Road and the
North half of Standiford Avenue, all being immediately
adjacent to the above described property.

and

WHEREAS, after a public hearing held on May 6, 1996, 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. 96-22, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed P-D is in accordance with community objectives as set forth in the General Plan, which provides for Mixed Use (MU).
2. That the approved plot plan as modified and the conditions of approval insure that the development will be a compatible addition to serve this portion of the community.

and

WHEREAS, after a public hearing held on May 28, 1996, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Irwin Steinpress 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. 96-22 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2986 -C.S. on the 28th day of May, 1996, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(512).

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

1. All development shall conform to the plot plan and floor plans titled "Plot Plan" as amended in red, stamped approved by the City Council on May 28, 1996.
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. Screen landscaping shall be installed along the north and east property lines.
3. Prior to occupancy, the applicant shall provide a minimum six-foot-high (6'), solid masonry wall along the north 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. Street improvements and dedications consistent with Standard Specifications and direction of Public Works and Transportation Department shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area. In accordance with Title 7 of the Modesto Municipal Code, the applicant shall dedicate an additional 7 feet to widen Standiford but shall not be required to relocate the existing curb and gutter.
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, including provisions for a median as per the Director of Public Works & Transportation, shall be constructed in accordance with the approved plans.
7. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consis-

tent with those used in the major buildings as approved by the Community Development Director.

8. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.
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. One hydrant is required.
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 claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a P-D Zone approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the 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(512):

The entire construction program be accomplished in one phase, construction to begin on or before May 6, 1998, and completion to be not later than May 6, 1999.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in

accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(512), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1996, 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: Dobbs, Fisher, Friedman, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

MODESTO CITY COUNCIL
RESOLUTION NO. 96-286

A RESOLUTION REJECTING BIDS RECEIVED FOR FURNISHING THREE PORTABLE TRAILER MOUNTED GENERATORS AND ONE TRAILER WITHOUT A GENERATOR RECEIVED AND OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 9, 1996, AND AUTHORIZING NEW CALL FOR BIDS FOR FURNISHING TWO TRAILER MOUNTED GENERATORS

WHEREAS, Resolution No. 96-125, adopted by the Council of the City of Modesto on March 19, 1996, approved the specifications for furnishing three portable trailer mounted generators and one trailer without a generator; and

WHEREAS, the bids received for furnishing the three portable trailer mounted generators and one trailer without a generator were opened at 2:10 p.m. on April 9, 1996;

WHEREAS, only one bid which exceeded the specification was received and City staff believes the City's best interest will be served by rebidding the equipment.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid received for furnishing three portable trailer mounted generators and one trailer without a generator, opened in the office of the City Clerk on April 9, 1996, is hereby rejected.

BE IT FURTHER RESOLVED that a new call for bids for furnishing two trailer mounted generators to be opened June 17, 1996, at 11:00 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-287

A RESOLUTION APPROVING AN AGREEMENT WITH BALL, JANIK AND NOVACK FOR FEDERAL LEGISLATIVE ADVOCACY FOR THE CITY DURING FISCAL YEAR 1996-97

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Ball, Janick, and Novack for Federal Legislative Advocacy for the City of Modesto during 1996-97 fiscal year be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-288

A RESOLUTION OF INTENTION TO LEVY AND COLLECT
ASSESSMENTS FOR LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK
MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

- a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.
- b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
- c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.
- d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.
- e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 1996-97.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

- a. Street medians in Creekwood Drive
- b. Areas adjacent to the access control walls along Creekwood Drive
- c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 18th day of June, 1996, 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 28th day of May, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

Clerk
10

MODESTO CITY COUNCIL
RESOLUTION NO. 96-289

A RESOLUTION OF INTENTION TO LEVY AND COLLECT
ASSESSMENTS FOR LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK
MEADOWS SUBDIVISIONS NOS. 7-10 AND CREEKWOOD
MEADOWS SUBDIVISION.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:

- a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.
- b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.
- c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.
- d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.
- e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 1996-97.

2. There are no substantial changes in the improvements, specifically within the existing Landscape Maintenance Assessment District No. 2, there is a parcel which has been subdivided per Creekwood Meadows Subdivision. This has increased the number of residential lots within the District from 418 lots to 514 lots. Also, there have been several parcel maps recorded which have increased the number of commercial parcels from 2 to 6 in Dry Creek Meadows Subdivisions Nos. 7-10 and

Creekwood Meadows Subdivision and that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

- a. Street medians in Creekwood Drive
- b. Areas adjacent to the access control walls along Creekwood Drive
- c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 18th day of June, 1996, 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 28th day of May, 1996, 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:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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 96-290

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO APPROPRIATE FUNDS FROM THE GENERAL FUND CONTINGENCY RESERVE TO PROVIDE ADDITIONAL FUNDING TO MODESTO BAND OF STANISLAUS COUNTY.

WHEREAS, the Mayor received a request from Modesto Band asking the City to waive the insurance requirements for the concerts in the park.

WHEREAS, the City's Risk Manager and Assistant Director of Parks concluded that the City should not waive the insurance.

WHEREAS, the Financial Policy Committee met on May 21, 1996 and recommended that the City Council approve an additional \$1,000 in funding.

WHEREAS, in order for the Modesto Band concerts to continue, insurance coverage should be obtained.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses		Increase (Decrease)
010-800-8000-8003	General Fund Contingency Reserve	(\$1,000)
010-360-3622-1003	Modesto Band	\$1,000

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 May, 1996, 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:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-291

A RESOLUTION APPOINTING TERESA BERRY TO THE CITY OF MODESTO AIRPORT ADVISORY
COMMITTEE

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

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

SECTION 1. Teresa Berry is hereby appointed to the Airport Advisory
Committee with 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 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 28th day of May, 1996, by
Councilmember Serpa, who moved its adoption, which motion being duly seconded
by Councilmember McClanahan, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-292

A RESOLUTION APPOINTING MARY VAN LOON TO CITY OF MODESTO HUMAN RELATIONS COMMISSION AND RESCINDING RESOLUTION NO. 96-178

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. Mary Van Loon is hereby appointed to the Modesto Human Relations Commission, with 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 Modesto Human Relations Commission and the Secretary thereof.

SECTION 3. Resolution No. 96-178, adopted on April 9, 1996, by the Council of the City of Modesto is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-293

A RESOLUTION APPOINTING JIM POORE TO CITY OF MODESTO 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. Jim Poore is hereby appointed to the Economic Development Loan Committee, with 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of May, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-294

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)

WHEREAS, the Local Agency Formation Commission of the County of Stanislaus, State of California, adopted its Resolution No. 96-08 on March 27, 1996, making determinations and approving the proposal of the City of Modesto to annex to the City of Modesto and to the Modesto Municipal Sewer District No. 1 the territory described in Exhibit "A" attached hereto, and by this reference incorporated herein, and the detachment of the territory from the Salida Fire Protection District, and

WHEREAS, this action is being taken pursuant to Title 5, Local Agencies - Division 2, Cities, Counties and Other Agencies - Part 4, Conducting Authority Proceedings For Changes of Organization or Reorganization - Chapter 4, Resolution of Conducting Authority, and,

WHEREAS, the type of reorganization being acted on is an uninhabited annexation of 408 acres to the City of Modesto and to the Modesto Municipal Sewer District No. 1 and a detachment of 408 acres from the Salida Fire Protection District, and

WHEREAS, the terms and conditions of the proposal as approved by the Local Agency Formation Commission are as follows:

- (a) It be processed as a reorganization consisting of the annexation of the subject 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, the reasons for this annexation are:

- (a) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.
- (b) The proposed annexation will provide a convenient site, near SR 99 for development.
- (c) The proposed annexation will allow for the build out of the existing neighborhoods to the south of Snyder Avenue.
- (d) The proposed annexation is a necessary and logical first step in permitting the allocation of City services to this area and its ultimate urban development, and

WHEREAS, the regular county assessment roll is utilized by the City of Modesto, and

WHEREAS, any affected territory will be taxed for existing general bonded indebtedness of any agency whose boundaries are changed, and

WHEREAS, a public hearing on this annexation was called for and held by this Council on June 4, 1996, and this Council finds and determines, pursuant to Section 57075 of the California Government Code, that the value of written protests filed and not withdrawn is by owners of land who own less than fifty (50%) percent of the total assessed value of land within the affected territory,

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

1. 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 Pelandale-Snyder 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. 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 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 Code.

BE IT FURTHER RESOLVED that pursuant to Section 57202 of the California Government Code, this Reorganization shall be effective on the date of execution 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 4th day of June, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

**PELANDALE-SNYDER REORGANIZATION
TO THE CITY OF MODESTO**

ALL that certain real property being a portion of Section 1, Township 3 South, Range 8 East, Sections 5, 6, 7 and 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California.

BEGINNING at the Southwest corner of the North half of the South half of Section 1, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, as shown on the map filed in Volume 8 of Surveys, at Page 26, Stanislaus County Records; thence North 89 degrees 07'16" East, along said South line of the North half of the South half of Section 1, a distance of 5,293.70 feet to a point on the East line of said Section 1, and the Northwest corner of Lot 6, as shown on the Nash Tract, filed in Volume 4 of Maps, at Page 10, Stanislaus County Records; thence South 88 degrees 31'21" East, along the North line of Lots 6, 7, 9, and 11 of said Nash Tract, a distance of 3,482.91 feet to the beginning of a curve concave to the Northwest, having a radius of 5000.00 feet, and from which point a radial line bears North 3 degrees 46' 02" West; thence Northeasterly 394.03 feet along said curve through a central angle of 4 degrees 30' 55" to the beginning of a curve concave to the Southeast, having a radius of 5000.00 feet; thence Northeasterly 820.38 feet along said curve through a central angle of 9 degrees 24' 03"; thence South 88 degrees 52' 54" East, a distance of 797.97 feet to a point on the East line of the above mentioned Section 6, with said point lying on the center line of a county road known as Tully Road; thence North 1 degree 15'20" West, along said centerline and said section line, a distance of 17.01 feet to the Westerly prolongation of the North line of Parcel 1, as shown on the map filed on January 29, 1985, in Book 36 of Parcel Maps, at Page 21, Stanislaus County Records; thence South 88 degrees 52'54" East, along last said line and along the North line of Parcels 1 and 2 of aforesaid parcel map and the Easterly prolongation thereof, a distance of 2,604.35 feet to the intersection with the Westerly right-of-way line of Union Pacific Railroad; thence South 1 degree 19'04" East along said Westerly right-of-way line of Union Pacific Railroad right-of-way, a distance of 457.29 feet to the intersection with the Southeasterly right-of-way line of Modesto Irrigation District Lateral No. 6; thence in a Southwesterly direction along said Southeasterly right-of-way line of Modesto Irrigation District Lateral No. 6 and the existing city limits line, the following twelve (12) courses; 1) thence South 68 degrees 19'55" West, 732.55 feet to the beginning of a curve, concave to the Southeast, having a radius of 242.90 feet; 2) thence 81.93 feet along the arc of said curve through a central angle of 19 degrees 19'35"; 3) thence south 49 degrees 00'20" West, 654.01 feet; 4) thence South 49 degrees 32'46" West, 208.15 feet; 5) thence South 40 degrees 27'14" East, 5.00 feet to the beginning of a curve, concave to the Northwest, having a radius of 367.90 feet from which a radial line bears South 40 degrees 27'14" East; 6) thence 175.40 feet along the arc of said curve

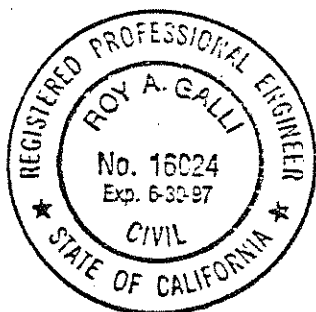
Approved as to description

ON 4-23-96
BY A. T. M. Cll

PELANDALE-SNYDER REORGANIZATION
TO THE CITY OF MODESTO

through a central angle of 27 degrees 19'00"; 7) thence South 76 degrees 51'46" West, 550.72 feet to the beginning of a curve concave to the North and having a radius of 367.90 feet; 8) thence 96.32 feet along the arc of said curve through a central angle of 15 degrees 00' 01"; 9) thence North 88 degrees 08'13" West, 395.19 feet; 10) thence North 88 degrees 36' 03" West, 844.31 feet; 11) thence North 0 degrees 29'50" West, 18.53 feet; 12) thence North 88 degrees 36'20" West, 2,000.88 feet to a point on the East right-of-way line of Carver Road; thence North 0 degrees 48'09" West, along said East right-of-way line of Carver Road and the existing city limits line, a distance of 108.06 feet to a point on the South line of said Section 6; thence North 88 degrees 36'20" West, along said South line of Section 6, and the centerline of Snyder Avenue and the existing city limits line, a distance of 2,657.37 feet to the Southwest corner of said Section 6; thence South 89 degrees 07'00" West along the South line of said Section 1 and the existing city limits line, a distance of 5,305.58 feet to the Southwest corner of said Section 1 and the centerline of Dale Road; thence North 0 degrees 19'30" West, along the West line of said Section 1 and the centerline of Dale Road, a distance 1,324.72 feet to the POINT OF BEGINNING.

Containing 408.11 acres, more or less.



MID-VALLEY ENGINEERING, INC.

Roy A. Galli

Roy A. Galli - R.C.E. 16024
License Expires 6/30/97

Date APRIL 17-1996

(See also Form 76-330-12, 13)

Page 2 of 2

Approved as to description

ON 2.2.3.4.6
BY Roy A. Galli

MODESTO CITY COUNCIL
RESOLUTION NO. 96-295

A RESOLUTION ADOPTING AMENDMENT NO. 8 TO THE VILLAGE ONE SPECIFIC PLAN, LOCATED IN THE NORTHEAST AREA OF MODESTO IN AN AREA BOUNDED BY OAKDALE ROAD LANDS NORTH OF SYLVAN AVENUE, THE SANTA FE RAILROAD, BRIGGSMORE AVENUE, ROSELLE AVENUE, AND FLOYD AVENUE, TO INCORPORATE CHANGES PREVIOUSLY APPROVED IN SPECIFIC PLAN AMENDMENT NO. 7 INTO THE SPECIFIC PLAN DOCUMENT ITSELF.

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

WHEREAS, on October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, and

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

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan for the purpose of adoption of an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan for the purpose of improving technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to

the Village One Specific Plan for the purpose of rewriting and reorganizing the Plan to be implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH #90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan for the purpose of making four revisions to the Specific Plan including: 1) widening of Floyd Avenue from three to five Lanes, 2) realignment of the Claus/Sylvan intersection, 3) deletion of the non-potable water supply for public landscaping, and 4) integration of Mitigation Monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan which included revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 for the purpose of revising the school and park sites within the Specific Plan and redistributing residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by

Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to reduce costs and to implement recommendations to increase the marketability of development within the Village One Area, and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-245, adopted Specific Plan Amendment No. 7.1 to amend the Precise Plan portion of the Village One Specific Plan to delete the multiple-family development designation from the Precise Plan for Area No. 8, (PPA No. 8), and Precise Plan for Area No. 33, (PPA No. 33,) respectively, and Resolution No. 96-246 to amend the Design Standard portion of the Village One Specific Plan pertaining to single-family dwelling setbacks and three-car garages, limited to Precise Plan Areas Numbers 8, 32 and 33, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission of the City of Modesto on May 6, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, to receive evidence both oral and documentary regarding proposed Specific Plan Amendment No. 8, and

WHEREAS, after considering public comments, the Planning Commission, by Resolution 96-21, recommended to the City Council approval of an amendment to the Illustrative Sanitary Sewer Diagram (Figure 11-25) and to the Illustrative Stormwater Drainage System (Figure 11-27), of the Village One Specific Plan, and

WHEREAS, said matter was set for a public hearing of the Council of the City of Modesto to be held on June 4, 1996, at

7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, by a report to the Council dated May 17, 1996, from the Community Development Department, a copy of which report is marked Exhibit "A", attached hereto and incorporated herein by reference, City staff recommended to the Council approval of Village One Specific Plan Amendment No. 8, as amended by exhibits to said report, a copy of which exhibits are on file in the Office of the City Clerk, to accomplish the following:

1. Incorporate the changes adopted in Specific Plan Amendment No. 7 directly into the text of the Village One Specific Plan.
2. Make minor editorial changes to the Village One Specific Plan.
3. Incorporate changes resulting from development of a revised Village One Facilities Master Plan.

and

WHEREAS, a duly noticed public hearing to consider said recommendations of the Planning Commission and City staff was held by the City Council at said date and time above mentioned,

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

SECTION 1. That this Amendment No. 8 to the Village One Specific Plan is consistent with the Modesto Urban Area General Plan.

SECTION 2. That the Council hereby adopts said Amendment No. 8 to the Village One Specific Plan to incorporate changes previously approved in Specific Plan Amendment No. 7 into

the Specific Plan document itself, as set forth in the report marked Exhibit "A", attached hereto and incorporated herein by reference, which report is amended by exhibits to said report, a copy of which exhibits are 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 4th day of June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

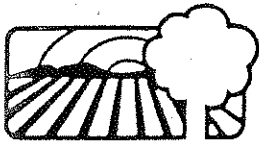
ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"



CITY OF MODESTO
AGENDA REPORT

AGENDA ITEM NO. *W*

COUNCIL MEETING: June 4, 1996

May 17, 1996

TO: Mayor and City Council

FROM: Community Development Department

SUBJECT: Consider approval of Specific Plan Amendment No. 8, an amendment to the Village One Specific Plan, for the purpose of incorporating changes previously approved in SPA#7 into the Specific Plan document itself.

RECOMMENDED COUNCIL ACTION:

Resolution adopting Village One Specific Plan Amendment No. 8 (Exhibit A), as amended by Exhibits B and C, to accomplish the following:

1. Incorporate the changes adopted in Specific Plan Amendment No. 7 (SPA#7) directly into the text of the Village One Specific Plan.
2. Make minor editorial changes to the Village One Specific Plan.
3. Incorporate changes resulting from development of a revised Village One Facilities Master Plan.

BACKGROUND:

In 1995, the Council approved a contract with the Planning Center and Whitney Research Group to critique the Village One Specific Plan and to make recommendations on amendments to the Plan to facilitate development. On April 11, 1995, the Council received a "Village One Specific Plan Feasibility Study" prepared by the consultants.

After a series of meetings on the Feasibility Study, the Council, on June 6, 1995, directed staff to prepare the seventh amendment to the Village One Specific Plan since it was originally adopted in 1990. SPA#7, which implemented changes recommended by the Feasibility Study, was adopted by the Council on October 10, 1995.

SPA#7 did not make direct changes to the Village One Specific Plan text. Instead, it outlined a series of broad changes to the Specific Plan, with actual incorporation of

language changes into the text to occur with a future Specific Plan amendment. SPA#8 provides the opportunity to incorporate SPA#7's changes directly into the Specific Plan document to produce a published document.

REASON FOR RECOMMENDATION:

1. Changes Resulting From SPA#7

SPA#7 proposed nine changes to Village One:

- a. Realignment of the connector street system in a rectilinear fashion to more closely follow property lines.
- b. Deletion of a connector street segment between Merle Avenue and Briggsmore Avenue Expressway.
- c. Modification of the principal and minor arterial, connector and residential street cross-sections and rights-of-way.
- d. Redefinition of limitations on vehicular access from single-family lots along connector and arterial streets.
- e. Reconfiguration of the Village Center.
- f. Increase the flexibility of the Village Center development policies.
- g. Implementation of cost savings measures.
- h. Increase the flexibility of the residential development policies.
- i. Elimination of exhibits that are too detailed.

Exhibit A presents the modifications to the Specific Plan text needed to implement these changes. Staff has annotated all text changes resulting from SPA#7 with the letter "A", followed by a number (example: "A-12"). There are more than 300 changes proposed in the present Specific Plan, to directly implement the Council's actions on SPA#7. None of the changes represent policy changes from the previous City Council action on SPA#7.

To assist in Council review of the document, staff has compiled a recap of these text changes that shows each of the 307 specific changes cross-referenced to each SPA#7 item outlined above. This cross-reference is presented in Exhibit D.

In addition, SPA#7 included one change not explicitly included in the above changes; a deletion of the minimum frontage requirement for single-family homes with three-car garages. This change has also been incorporated into SPA#8.

2. Minor Editorial Changes

In addition to the 307 changes resulting from SPA#7, there are a number of minor editorial changes proposed for the Specific Plan. No policy changes are proposed in these editorial changes. Most editorial changes have been annotated with the letter "B". The editorial changes are of three kinds:

- a. Renumbering of text sections and policies, figure numbers, and page numbers, resulting from the changes presented in Section 1, above.
- b. Updating of out-of-date information (example: change references to "Planning and Community Development Department" to "Community Development Department").
- c. Corrections of miscellaneous typographic errors.

Note: As staff prepares to publish the revised Specific Plan document, reflecting Specific Plan Amendment #8, other renumbering and editorial changes may also occur, without changes in policy content.

3. Changes Resulting from Revised Facilities Master Plan

The Village One Feasibility Study recommended certain revisions to the adopted June 1994 Facilities Master Plan for Village One. On October 17, 1995, the Council authorized the development of a revised Facilities Master Plan.

During development of this revised Master Plan, a number of issues have arisen which will require changes in the Specific Plan. The principal issues concern the Claus Road Expressway, and are detailed in the "Issues" section, following. In addition, there are several minor changes to the Connector Street network presented in SPA#7, mostly to accommodate utilities.

PLANNING COMMISSION ACTION:

The Planning Commission held a public hearing on SPA#8 on May 6, 1996. They approved Planning Commission Resolution No. 96-21, (attached as Exhibit E), recommending to the Council the adoption of SPA#8, with two modifications: a revised Illustrative Sanitary Sewer Diagram (Figure II-25) and a revised Illustrative Stormwater Drainage System Diagram (Figure II-27). These revised diagrams are attached as Exhibit B.

The Commission also directed staff to review the alignment of proposed Kodiak Drive, near Esta Avenue, in response to concerns raised by property owners in the area that Kodiak Drive would interfere with existing structures on their properties. Community Development staff subsequently met with the affected property owners. It is staff's recommendation that the alignment of Kodiak Drive not be changed at this time. The concerns raised can be best resolved when Precise Plans are submitted for this area.

COUNCIL COMMITTEE ACTION:

The Community Development and Housing Committee reviewed SPA#8 at its May 15 meeting. They recommended approval of SPA#8 as submitted, with the minor addition that obsolete references to P-D(484) (the shopping center project originally approved for the corner of Roselle Avenue and Briggsmore Avenue that was subsequently rezoned by the Council) be deleted. Attachment C presents hand-annotated pages showing the proposed deletions.

ISSUES:

1. Changes Resulting From SPA#7

Notwithstanding the volume of changes (307) proposed by SPA#8, they have adequately addressed each of the nine broad issues raised by SPA#7.

2. Minor Editorial Changes

There are no policy issues raised by these editorial changes.

3. Changes Resulting from Revised Facilities Master Plan

There are a number of issues regarding the Claus Road Expressway, as proposed in the revised Facilities Master Plan:

a. Revised Alignment for Future Claus Road Expressway

The revised Facilities Master Plan proposes a revised alignment of the future Claus Road Expressway, with major right-of-way expansions needed for an urban interchange at Claus Road and Briggsmore Avenue. This results in changes to the Precise Plan Areas bordering Claus Road, principally Precise Plan Areas Nos. 34 and 35.

b. Development of an Interim Claus Road Minor Arterial

The Master Plan also proposes widening the existing Claus Road, as an interim traffic solution until enough funds have been accumulated to build the Claus Road Expressway. As development occurs along Claus Road, developers will be required to dedicate and improve a widened cross-section along the existing Claus Road. At the same time, the City will attempt to buy the right-of-way needed for the new Claus Road Expressway from those property owners proposing the development.

The development of an interim Claus Road results in the addition of Policy C-6(g) to Chapter II of the Specific Plan (page II-9).

ENVIRONMENTAL ASSESSMENT:

This Specific Plan Amendment was reviewed by staff and was found to be consistent with the previously reviewed Program Environmental Impact Report for Village One. This conclusion is supported by an Initial Study prepared by staff, attached as Exhibit C. Staff recommends to the City Council adoption of the following findings:

1. The changes proposed by Specific Plan Amendment No. 8 are not substantial; they will not require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (Section 15162(a)(1) State CEQA Guidelines).
2. Substantial changes have not occurred with respect to the circumstances under which the Village One Specific Plan is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (Section 15162(a)(2) State CEQA Guidelines.)
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, which shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more

significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (Section 15162(a)(3) State CEQA Guidelines).

4. The project is within the scope of the Village One Specific Plan 1990 Program EIR as revised by the Village One Final Supplemental EIR (State Clearing House No. 90020181). These documents adequately describe the project for purposes of CEQA. Therefore, no new environmental document is required (Section 15168,(c)(2) State CEQA Guidelines).

Furthermore, as required by Section 15168(c)(3) of the CEQA Guidelines, the City has incorporated all mitigation measures certified by the Supplemental EIR, directly into the Specific Plan as Policy Statements. Specific Plan Amendment No. 8 does not change these Mitigation Measures or Policy Statements, previously adopted by the City Council.

STEPS FOLLOWING APPROVAL:

Staff will publish a new Specific Plan document, incorporating all changes approved in Specific Plan Amendment No. 8, plus the changes to Precise Plan Areas No. 8, 32 and 33 approved by the Council on May 14, 1996.

Prepared By: Steve Mitchell
Steve Mitchell, Associate Planner

Reviewed By: Philip A. Testa
Philip A. Testa, Community Development Director

Submitted By: _____
J. Edward Tewes, City Manager

Exhibit A: Village One Specific Plan Amendment No. 8

Exhibit B: Revised Illustrative Sanitary Sewer Diagram and Illustrative Stormwater Drainage System Diagram

Exhibit C: Revised pages deleting obsolete references to P-D(484)

Exhibit D: Cross-Reference of Changes in SPA#8 Resulting Directly From SPA#7

Exhibit E: Planning Commission Resolution No. 96-21

Exhibit F: Initial Study for SPA#8

cc: City Clerk (16), City Attorney, Deputy City Manager

EXHIBITS "A", "B", and "C"
TO REPORT DATED MAY 17, 1996,
ARE ON FILE IN
THE OFFICE OF THE CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 96-295a

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: AMENDMENT NO. 8 TO THE VILLAGE ONE SPECIFIC PLAN TO INCORPORATE CHANGES PREVIOUSLY APPROVED IN SPECIFIC PLAN AMENDMENT NO. 7 INTO THE SPECIFIC PLAN DOCUMENT ITSELF.

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 Planning Commission, by Resolution No. 96-21, adopted on May 6, 1996, and City staff, by a report dated May 17, 1996, from the Community Development Department, recommended to the City Council approval of Village One Specific Plan Amendment No. 8 as set forth in said Resolution No. 96-21, to incorporate changes previously approved in Specific Plan Amendment No. 7 into the specific Plan document itself, and

WHEREAS, on May 29, 1996, 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, by Environmental Assessment No. 96-47 findings have been made 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, said matter was considered by the City Council at a duly noticed public hearing which was held on June 4, 1996, 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. 96-47, entitled "Use of Previous EIR and Findings", for the proposed project, and the Council hereby makes the following findings:

1. The changes proposed by Specific Plan Amendment No. 8 are not substantial; they will not require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (Section 15162(a)(1) State CEQA Guidelines).
2. Substantial changes have not occurred with respect to the circumstances under which the Village One Specific Plan is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (Section 15162(a)(2) State CEQA Guidelines.)

3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, which shows any of the following:
 - (a) The project will have one or more significant effects not discussed in the previous EIR;
 - (b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (Section 15162(a)(3) State CEQA Guidelines).
4. That the project is within the scope of the Village One Specific Plan 1990 Program EIR as amended by the Village One Final Supplemental EIR adopted May 24, 1994 (State Clearing House No. 90020181). These documents adequately describe the project for purposes of CEQA. Therefore, no new environmental document is required (Section 15168(c)(2), State CEQA Guidelines).

Furthermore, as required by Section 15168(c)(3) of the CEQA Guidelines, the City has incorporated all mitigation measures certified by the Supplemental EIR, directly into the Specific Plan as Policy Statements. Specific Plan Amendment No. 8 does not change these Mitigation Measures or Policy Statements, previously adopted by the City Council.

A copy of said Environmental Assessment No. 96-47,

entitled "Use of Previous EIR and Findings", 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 4th day of June, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

City of Modesto

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT USE OF PREVIOUS EIR AND FINDINGS

I. BACKGROUND

1. **Name of Project:** Village One Specific Plan Amendment No. 8
(Previous EIR is Village One Program EIR - SCH# 90020181)
2. **Address and Phone Number of Proponent:**
City of Modesto,
Community Development Department, Strategic Planning Division
Contact Person: Bill Nichols, Phone Number: (209) 577-5433
P. O. Box 642, Modesto, CA 95353
3. **Type of Project:** An amendment to the Village One Specific Plan to implement recommendations of a consultant study to increase the marketability of development within the Village One area.
4. **Location:** In the northeast area of Modesto between Oakdale Road, the Santa Fe Railroad, Sylvan, Briggsmore, Roselle, and Floyd Avenues.
5. **Description of Proposed Project:** Amend the Village One Specific Plan, using Previous Program EIR and Supplemental EIR(SCH# 90020181) to:
 - a) Realign the Connector Street system in a rectilinear fashion to more closely follow property lines.
 - b) Delete a Connector street segment between Merle Avenue and Briggsmore Avenue Expressway.
 - c) Modify the Major and Minor Arterial, Connector and Residential Street cross- sections and rights of way.
 - d) Redefine limitations on vehicular access from single-family lots along Connector and Arterial streets.
 - e) Reconfigure the Village Center.
 - f) Increase flexibility of the Village Center development policies.
 - g) Implement cost saving measures.
 - h) Increase flexibility of the Residential development policies.
 - i) Eliminate exhibits that are too detailed.(Note: see attached Village One Specific Plan Amendment No. 8 for detailed project description)
6. **Discretionary Permit(s) Requested:** None

II. ENVIRONMENTAL IMPACTS

A. EARTH. Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Unstable earth conditions or in changes in geologic substructures?	—	—	— ✓
2. Disruptions, displacements, compaction or overcovering of soil?	—	—	— ✓
3. Change in topography or ground surface?	—	—	— ✓
4. The destruction, covering or modification of any unique geologic or physical features?	—	—	— ✓
5. Any increase in wind or water erosion of soils, either on or off the site?	—	—	— ✓
6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, or ground failure?	—	—	— ✓

Discussion: The project area does not overlie any major land formation, fault line, sensitive lands, or unique geological features. Earth related impacts are adequately covered on pages 4.7-1 to 4.7-14 of the 1990 Program EIR, and on pages III-105 to III-108 of the Final Supplement to an EIR for the Proposed Village One Specific Plan Amendment No. 4.

The project site is relatively flat and has not been used as a landfill site. Any potential for unstable soil conditions would be determined by the Chief Building Official through review of soil reports to determine if foundation investigations and appropriate building design is required pursuant to the UBC (Geology & Soils, Page III-106, Final Supplement an Environmental Impact Report for the Proposed Village One Specific Plan Amendment No. 4).

Therefore, the previous analysis and corresponding mitigation measures for Geologic and Seismic impacts are adequate.

B. AIR Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Substantial air emission or deterioration of ambient air quality?	—	—	— ✓
2. The creation of objectionable odors?	—	—	— ✓

AIR Will the proposal result in: Yes Maybe No

3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally? ✓

Discussion: With the proposed amendment, the project will have a similar intensity and mix of land uses, with a reduction in total single-family residential units constructed due to the reduced densities proposed and a slight increase in the square footage of commercial and office space in the Village Center. Air Quality impacts for the expanded Village Center were found to be Less than Significant in the Supplemental EIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment No. 4).

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment No. 4).

For these reasons, the previous environmental analysis and corresponding mitigation measures are adequate.

C. WATER Will the proposal result in: Yes Maybe No

1. Changes in currents, or the course of direction of fresh water movements? ✓
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? ✓
3. Alterations to the course of flow of flood waters? ✓
4. Change in the amount of surface water in any water body? ✓

WATER Will the proposal result in: Yes Maybe No

- | | | | | |
|----|--|---|---|--------|
| 5. | Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity? | — | — | ✓
— |
| 6. | Alteration of the direction or rate of flow of ground waters? | — | — | ✓
— |
| 7. | Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | — | — | ✓
— |
| 8. | substantial reduction in the amount of public water supply? | — | — | ✓
— |
| 9. | Exposure of people or property to water related hazards such as flooding? | — | — | ✓
— |

Discussion: The amended project will not introduce any new impacts not already covered in the 1990 Program EIR and the 1994 Supplemental EIR. Hydrology has been adequately addressed on pages 4.8-1 to 4.8-18 of the Program EIR, as well as on pages III-109 to III-119 of the Final Supplemental EIR.

Construction of the amended project will not effect the quantity of groundwaters nor will it impact groundwater recharge capability. The site will be served by a recharge basin (Hydrology, Page III-111, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment No. 4)). The amended project will have no effect on groundwater flows. Because of the Specific Plan's requirement for the project to connect to a positive stormwater system, the project will have no impact on groundwater quality (Mitigation Measure No 28, Page II-44, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment No. 4)).

For this reason, the previous analysis of impacts and its corresponding mitigation measures for water resources are adequate.

D. PLANT LIFE Will the proposal result in: Yes Maybe No

- | | | | | |
|----|---|---|---|--------|
| 1. | Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? | — | — | ✓
— |
|----|---|---|---|--------|

PLANT LIFE Will the proposal result in: Yes Maybe No

- | | | | | |
|----|--|---|---|---|
| 2. | Reduction of the numbers of any unique, rare or endangered species of plants? | — | — | ✓ |
| 3. | Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | — | — | ✓ |
| 4. | Reduction in acreage of any agricultural crop? | — | — | ✓ |

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the amended Specific Plan will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR.

For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in: Yes Maybe No

- | | | | | |
|----|---|---|---|---|
| 1. | Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)? | — | — | ✓ |
| 2. | Reduction of the numbers of any unique, rare or endangered species of animals? | — | — | ✓ |
| 3. | Introduction of new species of animals? | — | — | ✓ |
| | into the area, or result in a barrier to the migration or movement of animals? | — | — | ✓ |
| 4. | Deterioration to existing fish or wildlife habitat? | — | — | ✓ |

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of

the Final Supplemental EIR. The proposed amended Specific Plan will not introduce any new impacts that were not addressed in the Program EIR.

For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures for biological resources are adequate.

F. NOISE	Will the proposal result in significant:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Increases in existing noise levels?	___	___	___ ✓
2.	Exposure of people to severe noise levels?	___	___	___ ✓
3.	Will the project require noise abatement measures?	___	___	___ ✓
4.	Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity?	___	___	___ ✓

Discussion:

Noise Impacts were addressed on pages 4.6-1 to 4.6-21 of the Program EIR and on pages III-55 to III-67 of the Final Supplemental EIR. The proposed revisions to the project will not introduce new noise related impacts that were not addressed in the EIR. Construction of the amended Specific Plan would not cause a significant increase in noise generation. There would be no significant increase in transportation-related noise from trains or autos.

There would be no impact from exposure of people to severe noise levels during either operation or construction (Mitigation Measure No. 22, Page II-38, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment # 4)

For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

G. LIGHT AND GLARE	Would on or off-site residents be subject to light or glare that would disturb those residents?	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
		___	___	___ ✓

Discussion:

Construction of the amended project would not create any significant light or glare impacts. Although the installation of lighting is planned, City Engineering Division

staff routinely review lighting plans to ensure electroliers are aimed away from any adjacent residential areas.

For this reason, the previous analysis and its corresponding mitigation measures on light and glare are adequate.

H. LAND USE Will the proposal result in a substantial alteration of the present or planned land use of an area? Yes Maybe No

Discussion: Revisions are proposed to the Plan by the Amendment which are still within the range of uses analyzed in the Program EIR. The Village Center commercial uses are proposed to be increased from 250,000 square feet to 350,000 square feet. This expansion was analyzed by the Final Supplemental EIR and found to have Less than Significant impacts (Environmental Effects, Page II-9, Final Supplemental EIR). The Village Center office space is proposed to be expanded from its existing 50,000 square feet to 100-125,000 square feet, a relatively minor increase. The amendment would revise the single-family residential component of the land use program from a total 5,533 units in the current Specific Plan (Table II-1, page II-51) to 4,750 units. This new number would yield a total residential program within the range analyzed in the Program EIR of 7,000 to 8,000 units (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994) and therefore is a Less than Significant change.

Land use impacts were addressed on pages 4.1-1 to 4.1-25 in the Program EIR and on pages III-80-III-94 of the Final Supplemental EIR. The proposed revisions to the Specific Plan will not introduce new land use related impacts not addressed in the EIR.

Thus, the previous analysis on impacts to land uses and associated mitigation measures is adequate.

I. NATURAL RESOURCES Will the proposal result in an increase in the rate of use of any natural resource? Yes Maybe No

Discussion: The proposed revisions to the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR.

Therefore, the previous analysis on impacts to natural resources is adequate.

J. RISK OF UPSET Will the proposal involve: Yes Maybe No

- | | | | | |
|----|--|---|---|-----|
| 1. | A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? | — | — | — ✓ |
| 2. | Possible interference with an emergency response plan or an emergency evacuation plan? | — | — | — ✓ |

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

Thus, previous analysis of risk of upset and corresponding mitigation measures is adequate.

K. POPULATION Will the proposal: Yes Maybe No

- | | | | |
|---|---|---|-----|
| Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR? | — | — | — ✓ |
|---|---|---|-----|

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed revisions to the Specific Plan will not introduce any new population impacts not analyzed in the EIR, because the maximum number of units at build-out has not changed.

Therefore, the previous population growth impact analysis is adequate.

L. HOUSING Will the proposal: Yes Maybe No

- | | | | |
|--|---|---|-----|
| Affect existing Housing, or create a demand for additional housing that was not considered in the EIR? | — | — | — ✓ |
|--|---|---|-----|

Discussion: Any environmental problems associated with this project related to housing have been addressed on pages 4-2-1 to 4-2-17 of the Program EIR as well as on pages III-95 to III-99 of the Final Supplemental EIR. This new number would yield a total residential program within the range analyzed in the Program EIR of 7,000 to 8,000 units (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994) and therefore is a Less than Significant change.

Thus, the previous analysis of impacts on housing associated with this project and related mitigation measures is adequate.

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Generation of substantial additional vehicular movement?	—	—	✓
2. Effects on existing parking facilities, or demand for new parking?	—	—	✓
3. Substantial impact upon existing transportation systems?	—	—	✓
4. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	✓
5. Alterations to rail or air traffic?	—	—	✓
6. Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians?	—	—	✓

Discussion: Any impacts related to transportation and circulation have been addressed on pages 4.4-1 to 4.4-42 in the Program EIR, as well as on pages III-40 to III-44 of the Final Supplemental EIR. The Final Supplemental EIR found that any additional impacts resulting from an intensified Village Center can be mitigated to a Less than Significant level (Environmental Effects, Page II-9, Final Supplemental EIR). The proposed revisions to the Village One Expressway, Arterial, Connector and Residential street cross sections and alignments, because they will not affect carrying capacity of the roadways, will not introduce new transportation impacts not already analyzed in the EIR.

Therefore, the previous analysis of the impacts by the proposed amendment on transportation and circulation and its associated mitigation measures is adequate.

N. PUBLIC SERVICES Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Fire protection?	___	___	<u>✓</u>
2.	Police Protection?	___	___	<u>✓</u>
3.	Schools?	___	___	<u>✓</u>
4.	Parks or other recreational facilities?	___	___	<u>✓</u>
5.	Maintenance of public facilities, including roads?	___	___	<u>✓</u>
6.	Other governmental services?	___	___	<u>✓</u>

Discussion:

Construction of the amended project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment # 4)

Construction of the amended project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment # 4).

Construction of the amended project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II -52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment # 4)

Construction of the amended project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).

Construction of the amended project will not have a Significant Impact on Maintenance of Public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.

Thus, the previous impacts analysis to public services and related mitigation measures is adequate.

O. UTILITIES AND ENERGY	Will the proposal Result in a need for new systems, or substantial alterations to the following utilities:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Power or Natural gas?	___	___	✓
2.	Communications systems?	___	___	✓
3.	Water?	___	___	✓
4.	Sewer and septic tanks?	___	___	✓
5.	Storm water drainage?	___	___	✓
6.	Solid waste disposal?	___	___	✓
7.	Substantial amounts of fuel or energy?	___	___	✓

Discussion:

The Modesto Irrigation District and the Pacific Gas & Electric Company have indicated they will be able to serve the Village One area which includes the project.

Pacific Bell Telephone Company and Post Newsweek Cable Company have indicated they can serve the Village One area.

The City of Modesto's water distribution lines will be extended to serve the project (Mitigation Measure No. 32, Page II-48, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment # 4)

The City of Modesto's sewer lines will be extended to serve the project site (Mitigation Measure No. 34, Page II-50, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment # 4).

The City of Modesto will require the installation of Storm water drainage facilities to serve the site (Mitigation Measure No. 27, Page II-43, Final Supplement to an

Environmental Impact Report for the Proposed Village One Specific Plan Amendment # 4).

The project will be served by the City/County Waste-to-Energy facility (Public Services, Pages III-125 & 126, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment # 4).

Therefore, previous analysis of impacts to utilities and energy and corresponding mitigation measures are adequate.

P. HUMAN HEALTH	Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Creation of any health hazard or potential health hazard (excluding mental health)?	___	___	<input checked="" type="checkbox"/>
2.	Exposure of people to potential health hazards?	___	___	<input checked="" type="checkbox"/>

Discussion: The proposed amendment will not change development patterns in any way which would expose people to any health hazards. The project will help in establishing a more pedestrian-oriented development which encourages people to participate in outdoor activities such as walking and bicycling. The proposed revisions to the Specific Plan will not introduce new human health related impacts.

Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS	Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
		___	___	<input checked="" type="checkbox"/>

Discussion:

Since the proposed amendment's uses are similar to the current plan, and the site and surrounding topography are essentially flat, construction of the amended project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment # 4)

Therefore, the previous analysis of aesthetic impacts and associated mitigation measures are adequate.

R. CULTURAL RESOURCES

Yes Maybe No

- | | | | | |
|----|---|-----|-----|-------------------------------------|
| 1. | Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site? | ___ | ___ | <input checked="" type="checkbox"/> |
| 2. | Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object? | ___ | ___ | <input checked="" type="checkbox"/> |
| 3. | Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? | ___ | ___ | <input checked="" type="checkbox"/> |
| 4. | Will the proposal restrict existing religious or sacred uses within the potential impact area? | ___ | ___ | <input checked="" type="checkbox"/> |

Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the Program EIR on pages 4-1, response no. 4.3. The research did not produced any finding for any historical, ethnographic and archaeological resources. The proposed revision to the Specific Plan would not introduce any new cultural resource related impacts, therefore, no Cultural Resources impacts would occur.

Thus, the previous analysis of impacts to cultural resources and corresponding mitigation measures are adequate.

S. MANDATORY FINDINGS OF SIGNIFICANCE

Yes Maybe No

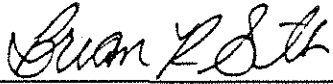
- | | | | | |
|----|--|-----|-----|----------|
| 1. | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal or eliminate important examples of the major periods of California history or prehistory? | ___ | ___ | <u>✓</u> |
| 2. | Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals? | ___ | ___ | <u>✓</u> |
| 3. | does the project have impact which are individually limited, but cumulatively considerable? | ___ | ___ | <u>✓</u> |
| 4. | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | ___ | ___ | <u>✓</u> |

III. FINDINGS

On the basis of this initial evaluation the following findings were made:

1. The changes proposed by Specific Plan Amendment No. 8 are not substantial; they will not require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (Section 15162(a)(1) State CEQA Guidelines).
2. Substantial changes have not occurred with respect to the circumstances under which the Village One Specific Plan is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (Section 15162(a)(2) State CEQA Guidelines.)
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, which shows any of the following:
 - a) The project will have one or more significant effects not discussed in the previous EIR;
 - b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (Section 15162(a)(3) State CEQA Guidelines).
4. The project is within the scope of the Village One Specific Plan 1990 Program EIR as revised by the Village One Final Supplemental EIR (State Clearing House No. 90020181). These documents adequately describe the project for purposes of CEQA. Therefore, no new environmental document is required (Section 15168,(c)(2) State CEQA Guidelines).

Furthermore, as required by Section 15168(c)(3) of the CEQA Guidelines, the City has incorporated all mitigation measures certified by the Supplemental EIR, directly into the Specific Plan as Policy Statements. Specific Plan Amendment No. 8 does not change these Mitigation Measures or Policy Statements, previously adopted by the City Council.



Date: 5/29/96

Philip A. Testa, Director,
Community Development Department

ATTACHMENTS

Village One Specific Plan Amendment No. 8

Revised 6/25/96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-296

A RESOLUTION ADOPTING THE VILLAGE ONE FACILITIES MASTER PLAN (JUNE 1996) WHICH REPLACES THE VILLAGE ONE FACILITIES MASTER PLAN ADOPTED IN JUNE OF 1994, AND CONFIRMING THE FINDINGS IN THE INITIAL STUDY, WHICH INDICATES CONSISTENCE WITH THE PROGRAM EIR FOR VILLAGE ONE.

WHEREAS, the Village One Facilities Master Plan is required by the Village One Specific Plan, and

WHEREAS, the City Council adopted the Village One Facilities Master Plan in June of 1994, and

WHEREAS, City staff has recommended to the City Council, by a report to the Council dated May 23, 1996, a copy of which is on file in the office of the City Clerk, replacement of the Facilities Master Plan adopted in June, 1994, to be consistent with the Village One Specific Plan, as amended by Specific Plan Amendment No. 8, and

WHEREAS, the Village One Facilities Master Plan is not a finance plan, a separate finance plan will be a companion document to the Village One Specific Plan recommending a funding strategy, and

WHEREAS, a public hearing to consider the adoption of the proposed Village One Facilities Master Plan (1996) as recommended by City staff was set for a public hearing of the City Council to be held on June 4, 1996, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto,

California, at which date and time said duly noticed public hearing was held relating to the proposed Village One Facilities Master Plan (1996), which establishes base infrastructure and provides the location and size for streets, water mains, sanitary sewer, and storm drainage pipe and basins, and which provides the basis for design of construction plans,

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

1. The changes proposed by Village One Facilities Master Plan (June 1996) are not substantial; they will not require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (Section 15162(a)(1) State CEQA Guidelines).
2. Substantial changes have not occurred with respect to the circumstances under which the Village One Facilities Master Plan (June 1996) is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (Section 15162(a)(2) State CEQA Guidelines).
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, which shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives

previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or;

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative (Section 15162(a)(3) State CEQA Guidelines).

4. The project is within the scope of the Village One Specific Plan 1990 Program EIR as revised by the Village One Final Supplemental EIR (State Clearing House No. 90020181). These documents adequately describe the project for purposes of CEQA. Therefore, no new environmental document is required (Section 15168(c)(2) State CEQA Guidelines).

Furthermore, as required by Section 15168(c)(3) of the CEQA Guidelines, the City has incorporated all mitigation measures certified by the Supplemental EIR directly into the Specific Plan as Policy Statements. The Village One Facilities Master Plan (June 1996) is entirely consistent with the Village One Specific Plan; the Facilities Master Plan does not change any mitigation measures or policy statements previously adopted by the City Council.

BE IT FURTHER RESOLVED that the Council hereby adopts the Village One Facilities Master Plan (June, 1996), which establishes base infrastructure and provides the location and size for streets, water mains, sanitary sewer, and storm drainage pipe and basins, and which provides the basis for design of construction plans. A copy of said plan is on file in the office of the City Clerk. Said plan replaces the Village One Facilities

Master Plan adopted in June of 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1996, by Councilmember McClanahan, 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, McClanahan, McKinsey, 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

Yell

MODESTO CITY COUNCIL
RESOLUTION NO. 96-296

A RESOLUTION ADOPTING THE VILLAGE ONE FACILITIES MASTER PLAN (JUNE 1996) WHICH REPLACES THE VILLAGE ONE FACILITIES MASTER PLAN ADOPTED IN JUNE OF 1994, AND CONFIRMING THE FINDINGS IN THE INITIAL STUDY, WHICH INDICATES CONSISTENCE WITH THE PROGRAM EIR FOR VILLAGE ONE.

WHEREAS, the Village One Facilities Master Plan is required by the Village One Specific Plan, and

WHEREAS, the City Council adopted the Village One Facilities Master Plan in June of 1994, and

WHEREAS, City staff has recommended to the City Council, by a report to the Council dated May 23, 1996, a copy of which is on file in the office of the City Clerk, replacement of the Facilities Master Plan adopted in June, 1994, to be consistent with the Village One Specific Plan, as amended by Specific Plan Amendment No. 8, and

WHEREAS, the Village One Facilities Master Plan is not a finance plan, a separate finance plan will be a companion document to the Village One Specific Plan recommending a funding strategy, and

WHEREAS, a public hearing to consider the adoption of the proposed Village One Facilities Master Plan (1996) as recommended by City staff was set for a public hearing of the City Council to be held on June 4, 1996, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which date and time said duly noticed public

hearing was held relating to the proposed Village One Facilities Master Plan (1996), which establishes base infrastructure and provides the location and size for streets, water mains, sanitary sewer, and storm drainage pipe and basins, and which provides the basis for design of construction plans,

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

1. That the project is within the scope of the Village One Specific Plan 1990 Program EIR as revised by the Village One Final Supplemental EIR (State Clearing House No. 9002081). These documents adequately describe the project for purposes of CEQA (Section 15168, State CEQA Guidelines).
2. That the proposed Village One Facilities Master Plan (June 1996) poses no new significant changes or environmental impacts that were not discussed in the Program EIR as amended by the Final Supplemental EIR. (Section 15162(a)(1) State CEQA Guidelines).
3. That no substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162(a)(2) State CEQA Guidelines).

BE IT FURTHER RESOLVED that the Council hereby adopts the Village One Facilities Master Plan (June, 1996), which establishes base infrastructure and provides the location and size for streets, water mains, sanitary sewer, and storm drainage pipe and basins, and which provides the basis for design of

construction plans. A copy of said plan is on file in the office of the City Clerk. Said plan replaces the Village One Facilities Master Plan adopted in June of 1994.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1996, by Councilmember McClanahan, 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,
McClanahan, McKinsey, 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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-297

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 7-4-9 OF THE ZONING MAP TO PREZONE TO LOW DENSITY RESIDENTIAL ZONE, PR-1, PROPERTY LOCATED BETWEEN YUMA AND TUCSON AVENUES, NORTH OF WHITMORE AND SOUTH OF THE ALLEY BETWEEN IMPERIAL AND INYO AVENUES. (DAVID DEVELOPMENT)

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, David Development Company has proposed that the zoning designation for its property located between Yuma and Tucson Avenues, north of Whitmore and south of the alley between Imperial and Inyo Avenues be amended to prezone to Low Density Residential Zone, PR-1, property located between Yuma and Tucson Avenues, north of Whitmore and south of the alley between Imperial and Inyo Avenues, in the City of Modesto ("the project"), and

WHEREAS, on March 27, 1996, the City's Community Development Department by Environmental Assessment 96-42 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 April 15, 1996, 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 March 27, 1996, 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 4th day of June, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

**City of Modesto
Initial Study**

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the proposed prezone application for David Development. 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: **Prezone Application from R-1 (County) to PR-1, by David Development**

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person and phone number:
John Miller, Mid Valley Engineering, 526-4214

D. Project Location:
North of Whitmore Ave. East of Fairview Village, and south of Imperial Ave.

E. Project sponsor: Mid Valley Engineering/David Development

F. General Plan Designation: Residential

G. Zoning: R-1 (County)

H. Description of Proposed Project:

This project is to prezone 32+ acres to R-1 (single family) for the purpose of annexation and development into a single family subdivision.

I. Surrounding land uses: This project is surrounded by single family housing on the north and east. To the west is the proposed Fairview Village site, and on the south is Whitmore Avenue.

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 proposal will provide improved access within the proposal and into the Fairview neighborhood area with improved public street right-of-way. This is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. **Degradation of Air Quality**

This project will provide infill housing within the City of Modesto Urban area. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**

This subdivision project is adjacent to and surrounded by urban development. Although the project will add additional traffic and housing to the neighborhood, it will not create additional significant effects beyond those identified in the impact analysis. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**

The project is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**

This project which will provide for additional residential housing, will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased

Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

This project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites

This project and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

L. Drainage, Flooding and Water Quality

The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

J. Increased Demand for Storm Drainage

The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

K. Increased Demand for Parks and Open Space

This project will not have an effect upon the parks or open space needs in the area. Fairview County Park will probably be removed as part of this project. However, this project will provide for the necessary park land standard in

conjunction with the development of the Fairview Viallgae to the west. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. Increased Demand for Schools

Additional residential development with the Modesto City Schools attendance areas have an adverse impact on the educational facilities and program. However, the MEIR has determined that the mitigation measures for this impact adequately mitigate the impacts to a "less than significant level." This project is within the Baseline Developed Area for the General Plan. 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 proposal has a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. Increased Demand for Fire Services

This proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 10 is less than one mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.

O. Generation of Solid Waste

This subdivision and subsequent development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are, therefore still valid.

P. Generation of Hazardous Materials

This proposal will result in no additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. Landslides and Seismic Activity

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the

Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. Energy

This proposal will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed Prezone is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).
- B. The Project 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 prezone that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide, including this project as appropriate.
- E. This initial study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: John Mayer Date: 3-27-96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-298

A RESOLUTION ESTABLISHING RENTAL CHARGES AND FEES FOR
ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY
AIRPORT/HARRY SHAM FIELD, AND RESCINDING COUNCIL
RESOLUTION NO. 95-249.

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
June 4, 1995, at 7:00 p.m. in the City Council Chambers, City Hall, 801 11th Street,
Modesto, California to consider increasing rates and charges for Modesto City-County
Airport's aircraft hangars and office space, and reducing the tie down rates,

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	\$ 96.00 per unit per month
End Units	\$112.00 per unit per month
Hangar No. B	\$117.00 per unit per month
End Units	\$144.00 per unit per month
Hangar No. C	\$123.00 per unit per month

End Units	\$149.00 per unit per month
Hangar No. D	\$110.00 per unit per month
End Units	\$130.00 per unit per month
Hangar No. E	\$162.00 per unit per month
End Units	\$189.00 per unit per month
Hangar No. F	\$162.00 per unit per month
End Units	\$189.00 per unit per month
Hangar No. G	\$162.00 per unit per month
Hangar No. H	\$162.00 per unit per month
Hangar No. J	\$162.00 per unit per month
Portable Land Rent	\$ 48.00 per unit per month

A five percent (5%) discount will be made in any of the above rental charges when a year's lease is entered into and the year's rental charges are paid for in advance.

(b) Storage Hangars:

Hangar No. 1 . . .	\$1,196.00 - Sheriff's Aero Squadron lease rate \$800.00 per month for first year. Increase thereafter based on CPI.
Hangar No. 2 . . .	\$983.00 per month
Hangar No. 3 . . .	\$518.00 per month
Hangar No. 4 . . .	\$881.00 per month
Hangar No. 5 . . .	\$878.00 per month
Hangar No. 6 . . .	\$513.00 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) \$20.00 per month.
- (b) Taxi-in Tie-Down - Permanent, light single and multi-engine aircraft (under 12,500 lbs) \$40.00 per month.
- (c) Taxi-in Tie-Down - Permanent, large multi-engine (over 12,500 lbs) \$.034 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 . . \$.65 per square foot
- (b) Office Building No. 1 \$.65 per square foot
- (c) Office Building No. 2,
Suite A \$.65 per square foot
- (d) Office Building No. 2,
Suite B \$.65 per square foot
- (e) Hangar Office Space \$.30 per square
foot per month

SECTION 4. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL.

Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

- (a) Ticket Counter \$.067 per square foot
- (b) Other Areas \$.067 per square foot

SECTION 5. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto

City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All light single, multi-engine aircraft and helicopters, \$10.00 per landing.

- (b) All large single and multi-engine aircraft, \$.66 per 1,000 pounds of gross weight, but not less than \$10.00 per landing.
- (c) All transient aircraft owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two (2) trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.
- (d) No landing fee shall be charged for any aircraft which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 6. PASSENGER FACILITY CHARGE (PFC). Commercial air carriers passengers excluding "frequent flyers", or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158. Collection will become effective September 1, 1994.

- (a) Enplane passenger by airline \$3.00 per ticket passengers.

SECTION 7. ADVERTISEMENT CALL BOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement call board as follows:

<u>Display Size</u>	<u>Display Only</u>	<u>Display & Telephone</u>
7.5" x 9.5"	\$30.00	\$50.00
7.5" x 21"	\$35.00	\$55.00
19" x 21"	\$40.00	\$60.00

SECTION 8. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

- (a) Incoming Service \$.50 Per Page
- (b) Outgoing Service Area Code 209 \$1.00 Per Page
Other Area Code \$2.00 First
Page, \$1.50 All Other Pages

SECTION 9. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title VI of the Modesto Municipal Code, except that a minimum fee of \$100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title VI of the Modesto Municipal Code.

SECTION 10. FUEL FLOWAGE FEES. A fuel flowage fee of six cents (\$.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 11. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths (\$200.00) Dollars, payable in advance.

Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 12. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths (\$25.00) Dollars per month, payable in advance.

SECTION 13. PENALTIES. A five (5%) percent penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 14. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 1993, the rents, fees and charges set forth in Sections 1, 2 and 3 of this resolution shall be adjusted annually as of the first day of July.

Said rents, fees and charges shall be adjusted in the following manner: The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").

The rents, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index. However, in no event shall the annual adjustment in any particular year exceed five (5%) percent.

If the Index is changed so that the base year differs from that used as of March 17, 1987, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 15. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 1996.

SECTION 16. SUPERSEDE. This resolution rescinds Council Resolution No. 95-249.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1996, by Councilmember McKinsey, 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, McClanahan,
McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-299

A RESOLUTION ESTABLISHING OFF-AIRPORT CAR RENTAL OPERATOR
FEES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD.

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 June 4, 1995, at 7:00 p.m. in the City Council Chambers, City Hall, 801 11th Street, Modesto, California to consider adopting an off-airport car rental operator fee for the time and mileage collected from customers picked up at the Modesto City-County Airport,

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

SECTION 1. 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 assessed a parking fee at the same rate on-airport parking is charged for vehicles left overnight in terminal area public parking spaces.

SECTION 2. 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 3. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES.

Said rents, fees or charges shall be adjusted in the following manner: The Consumer Price Index [all urban consumers] (base year 1982-1984 = 100) for San Francisco - Oakland - San Jose - CMSA, published by the United States Department of Labor, Bureau of Labor Statistics ("Index"), which is published most immediately preceding the first day of July ("Adjustment Index"), shall be compared with the Index published most immediately preceding March 17, 1987 ("Beginning Index").

The rents, fees and charges shall be adjusted to the nearest dollar by multiplying the rates, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index. However, in no event shall the annual adjustment in any particular year exceed five (5%) percent.

If the Index is changed so that the base year differs from that used as of March 17, 1987, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 4. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-300

A RESOLUTION ACCEPTING THE BID OF WESTERN STATES SURFACING FOR THE PROJECT TITLED "1996 CAPE SEALS"

WHEREAS, the bids received for 1996 Cape Seals were opened at 2:00 p.m. on May 21, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of Western States Surfacing in the amount of \$333,173.92 be accepted as the lowest responsible bid.

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

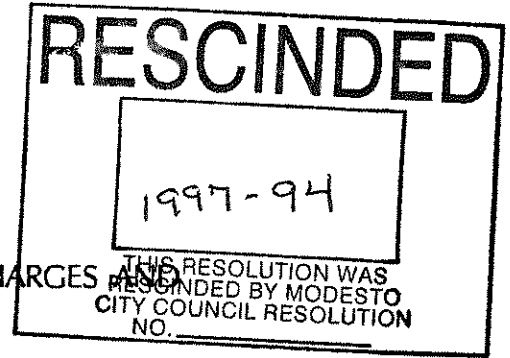
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-301

A RESOLUTION REVISING SEWER SERVICE CHARGES AND
RESCINDING RESOLUTION NO. 96-260.



WHEREAS, Sections 5-6.02 and 5-6.24 of the Modesto Municipal Code authorize the Council to establish storm drainage surcharges and sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established storm drainage surcharges and sewer service charges, and

WHEREAS, the Council recognizes the need to rehabilitate and expand the Wastewater Treatment System to promote economic development and to protect the environment, and

WHEREAS, an annual review of sewer service charges has been made,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply. The following definitions shall apply to the Storm Drainage Sewer Surcharge:

1. "Agricultural" shall include all parcels which have been developed to some extent but whose primary purpose is agricultural or for storm drainage.
2. "Commercial" shall include all developed parcels used for offices, wholesale or retail sales establishments, or provision of personal, professional, contracting recreational or business services.

3. "Developed Parcel" shall mean any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public streets or highways.
4. "Duplex" shall mean a developed parcel with two dwelling units on a single parcel.
5. "Government" shall include all developed parcels used by the federal government, city, county, state or agencies of the state for the local performance of governmental or proprietary functions.
6. "Hospital" shall include all developed parcels used by facilities for the chronically ill and impaired, public health centers, community mental health centers, facilities for the mentally retarded, general and other types of hospitals and central service facilities operated in connection with hospitals, but shall not include any institutional use furnishing primarily domiciliary care.
7. "Industrial" shall include all developed parcels which are used to manufacture, fabricate, process, or package products, or to process and store food or chemical products.
8. "Multi-family Residential" shall include all developed parcels or other than single-family residential or duplex units, including hotels, boarding houses and twenty-four hour care for less than six persons. Multi-family Residential will be broken down into four density categories, depending on the amount of property square foot per dwelling unit. The following shall be the four density categories:

<u>Density Category</u>	<u>Property Sq. Ft. Per Dwelling Unit</u>
High	0-1000
Medium	1001-3500
Low	3501-7000
Very Low	Over 7000

9. "Multi-family Senior Mobile Home" shall include all developed parcels in which two or more mobile home lots are rented or leased or held for rent or lease to accommodate manufactured

homes or mobile homes for senior citizen housing as defined in Civil Code Sections 51.2 and 51.3.

10. "NPDES Industrial Stormwater Permit" shall mean the stormwater discharge permit issued to operators of certain industrial activities by the State Water Regional Control Board pursuant to CWA and 40 CFR parts 122, 123, and 124.
11. "Non-profit Organizations" shall include all developed parcels used by organizations organized and operated for nonprofit purposes which are exempt corporations under Revenue and Taxation Code 23701.
12. "Parcel" shall mean the smallest separately segregated lot, unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the Stanislaus County Tax Assessor.
13. "Parks" shall include all developed parcels operated as a park by a public agency.
14. "Parks/Cemeteries" shall include developed parcels used primarily for cemetery purposes or for publicly-owned places of recreation and enjoyment for general public use.
15. "Schools" shall include all developed parcels used by institutions for instruction or education operated by the state, an agency of the state, a church or a non-profit organization.
16. "Single-Family Residential" shall include all developed parcels with one single-family detached housing unit, or it shall include two single-family dwellings or a duplex located on a corner lot.
17. "Transportation/Utilities" shall include all developed parcels which are used for transportation, communications and utilities services, including trucking, aviation, railroads, suburban transit, power, water and other utilities.
18. "Undeveloped" shall mean any lot or parcel which remains in its natural state and is not used for any purpose.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person owning property within the sewer district and receiving residential

sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) The monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

Each single-family dwelling or mobile home on a lot	\$11.29
Each dwelling unit in a duplex	8.82
One additional dwelling unit or mobile home on a lot	8.82
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	7.26

- (b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate set forth in subsection (a) above.
- (c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and No/100ths (\$1.00) Dollar per month per premises to cover the cost of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.

Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on the quantity of water used, measured in gallons, which exceeds the minimum as defined in subsection (c) below, and the waste strength characteristics measured in milligrams per

liter (hereinafter referred to as mg/l). The Public Works and Transportation Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:

	<u>Sewer Service Charges Per 1000 Gals. of Water Used</u>
<u>Group 1</u>	\$1.86
Combined B.O.D. and S.S. measured in mg/1 is 400mg/1 or less	
<u>Group 2</u>	2.17
Combined B.O.D. and S.S. measured in mg/1 is in the range of 401mg/1 to 900mg/1	
<u>Group 3</u>	2.64
Combined B.O.D. and S.S. measured in mg/1 is in the range of 901mg/1 to 1400mg/1	
<u>Group 4</u>	3.17
Combined B.O.D. and S.S. measured in mg/1 is over 1401mg/1	

- (b) Sewer service charges for commercial users outside the Sewer District shall be at the rate set forth in subsection (a) above.
- (c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum per month sewer charge, for the first 1,680 cubic feet of water used, for commercial users in the above defined groups, as follows:

Group 1	\$23.45
Group 2	27.02

Group 3 33.12

Group 4 39.74

- (d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 60/100ths (\$1.60) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.
- (e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.
- (1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.
 - (2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Public Works and Transportation Director.
- (f) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:
- (1) Receipt of transfer of title from the owner in a form satisfactory to the Public Works and Transportation Director, and
 - (2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates:

- (a) The monthly sewer service charges for industrial users shall be at the rate of \$762.74 per million gallons of total flow.
 - (1) If Industry has an effluent meter for industrial flow measurement, the total flow shall be the sum of the metered flow and a sanitary flow.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Public Works & Transportation Director as follows:

The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.
 - (2) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.
 - (3) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.
- (b) If the Biochemical Oxygen Demand (B.O.D.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$90.21 per one thousand (1000) pounds of B.O.D. will be made for the B.O.D. in excess of two hundred (200) mg/l based on industrial flow only.
- (c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$83.04 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l based on industrial flow only.

Industrial Charge shall be the sum of items (a), (b), and (c).

- (d) Notwithstanding the charges set forth in subsection (a), (b) and (c) above, there shall be a minimum \$10.00 per month sewer service charge.
- (e) Sewer service charges for industrial users outside the sewer district shall be at the rate set forth in subsections (a), (b), (c), and (d) above.

SECTION 5. SULFIDE CORROSION CHARGES. Any wastewater discharge which exceeds 0.5 parts per million of sulfides shall pay a sulfide corrosion charge, an impact fee, determined on a case-by-case basis as follows:

- (a) The projected accelerated corrosion of collection system pipes and pump stations will be calculated based on the EPA Pomeroy Model for Sulfide Corrosion (EPA Design Manual, EPA/625/1-85-018, Section 2.5.2.1 - Corrosion Predictive Model).
- (b) The sulfide corrosion charge will then be calculated based on the actual pipes and pump stations, up to the Water Quality Control Plant headworks, impacted by the discharge, and on the current estimates of replacement costs and the time value of money.
- (c) Discharges of sulfide above 0.5 ppm shall also not have a pH lower than 7.
- (d) The discharger may request that the sulfide charge be recalculated each year, if the amount of sulfide discharged is documented as having changed significantly from the previous year. The discharger may elect to receive the billing for this service charge on an annual or monthly basis. No prepayment discount will apply.
- (e) This service charge is an impact fee based on sulfide crown corrosion of collection system pipes and pumping facilities. It is not intended to compensate the City for increased corrosion or odor generation in the Water Quality Control Plant. It is not intended to liquidate the responsibility of a party whose wastewater discharge escapes from the collection system causing soil or groundwater contamination. Discharge of concentrated

sulfides under the provisions of this section constitutes acceptance of these terms.

SECTION 6. PREPAID SEWER SERVICE CHARGES. Any person who has prepaid sewer service charges for residential sewer service and the period for which said sewer service charges were prepaid includes the period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 7. EMPIRE SANITARY DISTRICT. The City of Modesto and the Empire Sanitary District entered into an agreement for sewer services on May 19, 1969, which agreement was amended on June 15, 1970, whereby the City of Modesto agreed to accept and treat the sewage collected in the District's system and the District agreed to pay a service charge for said service. Said agreement, as amended, further provides that service charges may be changed by the City to reflect any revision in sewer service charges made by City to other users of City's system. Therefore, the noncommercial flat monthly rate for sewer services shall be amended to read as follows:

Single-family or mobile home on a lot (1 dwelling unit only)	\$6.99
Each dwelling unit in a duplex	3.34
One additional dwelling unit or mobile home on a lot	3.34
Each dwelling unit in an apartment building or dwelling group (triplex, fourplex, etc.) or each space in a mobile home park	3.34
Billing Fee	0.39

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the Empire Sanitary District.

SECTION 8. NORTH CERES SEWER SERVICE AREA. Pursuant to an agreement entered into between the City of Modesto and the City of Ceres, dated December 18, 1979, the City of Ceres will operate and the City of Modesto will accept and treat sewage collected from a sewerage system in the area bounded by South 9th Street on the west, and Tuolumne River on the north, Mitchell Road on the east and Hatch Road on the south, which area is referred to as the North Ceres Sewer Service Area. Said agreement further provides that the City of Ceres shall pay bi-monthly sewer service charges to the City of Modesto as authorized by the Modesto Municipal Code and established from time to time by Modesto City Council resolution for industrial service outside the Modesto Municipal Sewer District No. 1.

Any future sewer rate increase, as a percentage, shall apply to all customers within the Sewer Service District, including areas served within the North Ceres Sewer Service Area.

SECTION 9. STORM DRAINAGE SEWER SURCHARGE. The storm drainage sewer surcharges shall be paid as set forth below:

- (a) All developed parcels are classified according to their Intensity of Development Factor (IDF). This is a numeric value for each land use based upon generally accepted engineering standards and directly related to the land use of the particular property. The following land uses are identified and recognized, each of which has an assigned IDF, as follows:

<u>Land Use</u>	<u>Intensity of Development Factor (IDF)</u>
Single-Family Residential	0.25
Duplex	0.50
Multi-Family High	0.95
Multi-Family Medium	0.80
Multi-Family Low	0.40
Multi-Family Very Low	0.25
Multi-Family Senior Mobile Home	0.31
Commercial	0.95
Industrial	0.75
Transportation/Utilities	0.40
Schools	0.25
Non-Profit Organizations	0.40
Government	0.70
Hospitals	0.50
Parks/Cemeteries	0.10
Agriculture	0.08
Undeveloped	0.00

- (b) An Area Range Number (ARN) is assigned to each property based on its square footage, according to the following table:

<u>ARN</u>	<u>Square Footage of Property</u>
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000
5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF.
etc.	

(c) Single-Family Residential charges shall be as follows:

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.65
3501-7000 SF	3.23
7000 + SF	4.85

- (d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.
- (e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.
- (f) The property's ERU is charged at a monthly rate of \$6.58. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x \$6.58.
- (g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Director of Public Works, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.
- (h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city

<u>ARN</u>	<u>Square Footage of Property</u>
1	0-3,500 SF
2	3,501-7,000
3	7,001-10,500
4	10,501-14,000
5	14,001-17,500
6	17,501-21,000
7	Increments of 3500 SF
etc.	

(c) Single-Family Residential charges shall be as follows:

<u>Square Footage of Property</u>	<u>Monthly Charge</u>
0-3500 SF	\$1.73
3501-7000 SF	3.40
7000 + SF	5.10

- (d) Residential users may participate in the Senior Citizens and Disabled Persons Water Discount Program for storm drainage sewer surcharge discounts if they qualify under the program guidelines.
- (e) The IDF is multiplied by the ARN to obtain the Equivalent Runoff Unit (ERU) for a property. The ERU represents a unit of stormwater runoff.
- (f) The property's ERU is charged at a monthly rate of \$6.92. Therefore, the monthly property charge for all non Single-Family Residential is: ERU x \$6.92.
- (g) Mixed Use Property is nonresidential property, more than five acres in size, which contains more than one acre of undeveloped or agricultural property. Upon application to and approval by the Director of Public Works, Mixed Use Property shall pay a split surcharge, the developed portion paying the IDF appropriate to the developed land use, and the undeveloped or agricultural portion paying the Undeveloped or Agricultural IDF, as appropriate.
- (h) That the portion of the storm drainage surcharge related to street sweeping and storm water collection shall not apply to a parcel if more than a majority of all of the parcels which front on the city

street do not have curbs and gutters. That portion currently constitutes seventy percent (70%) of the surcharge.

SECTION 10. EFFECTIVE DATE. This resolution shall become effective July 1, 1996.

SECTION 11. SUPERSEDES PRIOR RESOLUTIONS. Upon the effective date of this resolution, Modesto City Council Resolution No. 96-260 shall hereby be superseded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1996, by Councilmember McKinsey, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

01/1/96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-302

A RESOLUTION ESTABLISHING THE STRUCTURE AND
RATE SCHEDULE FOR WATER CUSTOMERS IN ZONE 3,
SERVING CERES, TURLOCK, WATERFORD, HICKMAN,
GRAYSON, SALIDA, DEL RIO AND CERTAIN COUNTY
AREAS. (FOR FORMER DEL ESTE COMPANY
CUSTOMERS)

WHEREAS, on July 7, 1995, the City acquired the Del
Este Water Company, and

WHEREAS, the attached rate schedule shows the proposed
rate 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, the Utility Services and Franchises Committee
reviewed this proposal on May 23, 1996, and

WHEREAS, on June 4, 1996, the Council considered this
matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that user charges for all customers in Zone 3
(for former Del Este Company customers) be increased by ten (10)
percent, the resulting rates being shown on the attached Schedule
A.

BE IT FURTHER RESOLVED this resolution shall become
effective July 1, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1996, by Councilmember McKinsey, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

SCHEDULE A
CITY OF MODESTO
RATE STRUCTURE AND RATES
FOR FORMER DEL ESTE WATER COMPANY CUSTOMERS
Effective July 1, 1996

SCHEDULE 1

ZONE 3

Metered Water

Quantity Rates

1st 10,000 cf/Cc	0.523
Over 10,000 cf/Cc	0.480

Service Charge

5/8"	\$ 6.84
3/4"	\$ 9.67
1"	\$ 12.12
1-1/2"	\$ 18.34
2"	\$ 24.82
3"	\$ 39.66
4"	\$ 60.19
6"	\$ 96.77
8"	\$ 138.57
10"	\$ 210.25
12"	\$ 255.55

SCHEDULE 2

Flat Rate Sales

0-6,000 SF	\$ 13.59
6-10,000 SF	\$ 15.83
10-16,000 SF	\$ 18.96
16-25,000 SF	\$ 22.68
Over 25,000 SF	\$ 28.01

SCHEDULE 4

Private Fire Protection Service

Per inch diameter	\$ 5.17
-------------------	---------

Clerk

MODESTO CITY COUNCIL
RESOLUTION 96-303

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO APPROPRIATE FUNDS FROM THE GENERAL FUND CONTINGENCY RESERVE TO COVER COST OF DAMAGE TO TREE AT MCHENRY MANSION.

WHEREAS, a commercial truck hit a tree at the McHenry Mansion.

WHEREAS, the company's insurance paid the City and the revenue was placed at the end of last fiscal year. The tree was replaced this year with funds from the Mansion's operating budget.

WHEREAS, it is apparent that the Mansion organization or its agency can not cover this unanticipated expense and continue to provide service to visitors and renters.

WHEREAS, additional funding is requested.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Expenses		Increase (Decrease)
010-800-8000-8003	General Fund Contingency Reserve	(\$1,500)
010-360-3613-0235	Services, Professional & Other	\$1,500

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of June, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-304

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS ARTS COUNCIL FOR THE ARTISTS IN THE PARK PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus Arts Council for the Artists in the Park 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 4th day of June, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-305

A RESOLUTION APPROVING THE FINAL MAP OF THE
SYMPHONY PLACE NO. 2 SUBDIVISION OF THE CITY
OF MODESTO.

WHEREAS, Sarjak Enterprises, Inc., is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 7.54 acres, known as the Symphony Place No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council of the City of Modesto on the 7th day of December, 1993, and

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

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said Symphony Place No. 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 4th day of June, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-305A

A RESOLUTION ACCEPTING THE BID OF BDS CONSTRUCTION FOR PROJECT 22 - REPLACE CURB, DRIVE APRONS AND SIDEWALKS

WHEREAS, the bids received for Project 22 - Replace Curb, Drive Aprons and Sidewalks were opened at 2:20 p.m. on May 28, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$125,264.15 from BDS 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 BDS 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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-306

A RESOLUTION ACCEPTING THE PROJECT TITLED AIRPORT DISTRICT IMPROVEMENTS -
EMPIRE AND KERR AVENUES AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Airport District Improvements - Empire and Kerr Avenues, has been completed by Teichert Construction, in accordance with the contract agreement dated August 8, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Airport District Improvements - Empire and Kerr Avenues be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$279,417.72 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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McKinsey, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-307

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A COLLABORATIVE PROJECT WITH THE CEO OF THE COUNTY OF STANISLAUS TO CONDUCT A JOINT STUDY OF THE FEASIBILITY OF FACILITIES AND PROGRAM ACQUISITION AND OTHER JOINT USE COMBINATIONS OF DOWNTOWN PUBLIC FACILITIES.

WHEREAS, the Chief Executive Officer of the County of Stanislaus and the City Manager of the City of Modesto have recommended a collaborative study over the next ninety (90) days to identify locations for governmental buildings within the downtown area and to identify opportunities for joint facilities, and

WHEREAS, the projected consultant costs are anticipated to not exceed \$50,000, which the City and the County would share equally, and

WHEREAS, the proposal includes the formation of a City-County Steering Committee composed of two Councilmembers, two Board of Supervisors Members, and two public members, with the understanding that the Steering Committee would report back to the Board of Supervisors and the City Council at the conclusion of the study,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to enter into a collaborative project with the Chief Executive Officer of the County of Stanislaus to study the feasibility of joint facilities and program acquisition and other joint use

combinations.

BE IT FURTHER RESOLED that the City Manager is hereby authorized to enter into joint consulting agreements as required to conduct a study of downtown public facilities. Said costs are anticipated to not exceed \$50,000, which the City and the County shall share equally.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan

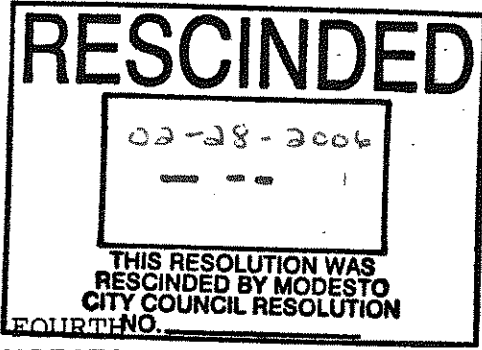
ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 96-308

A RESOLUTION GRANTING APPROVAL TO THE FOURTH OF JULY CELEBRATION COMMITTEE OF THE MODESTO JAYCEES TO HOLD A PARADE, PICNIC IN THE PARK AND FIREWORKS DISPLAY FOR THE FOURTH OF JULY CELEBRATION IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS AND RESCINDING RESOLUTION NO. 94-182.

2006-112

WHEREAS, the Fourth of July Celebration Committee of the Modesto Jaycees (hereinafter referred to as the Committee) has filed a request with the City Council for permission to have a parade, picnic in the park, and fireworks display which will be held to celebrate the Fourth of July, and

WHEREAS, the Committee has requested the use of Graceada Park for the Fourth of July Celebration, and

WHEREAS, the Council deems it appropriate to grant approval and assistance to the Committee relating to its Fourth of July celebration, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the following, subject to the conditions set forth, relating to the Committee's Fourth of July Celebration parade, picnic in the park and fireworks display:

1. The Committee is granted permission to use the bluff land adjacent to Dryden Park Golf Course (part of Tuolumne River Regional Park) for display of fireworks on the evening of the Fourth of July, subject to the following conditions:

- (a) That the weather conditions will not create any fire hazard to the surrounding area;
- (b) That the City be reimbursed for any damages which may occur to the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses, and John Thurman Field;
- (c) That arrangements be cleared by the Parks and Recreation Director and the Police Chief;
- (d) That the fireworks display be conducted according to the requirements of the Fire Chief of the City of Modesto.

2. The City will supply two (2) standby fire trucks for the fireworks display.

3. The City will provide twelve (12) chemical toilets for use in the Dryden Park Driving Rand for the fireworks display on the Fourth of July.

4. "I" Street, between 11th and 12th Streets will be barricaded between 9:30 a.m. and 2:30 p.m. on the Fourth of July, for the parade.

5. The City's personnel will erect City's reviewing stand with canvas top on "I" Street close to the cannon in the Courthouse Park prior to 8:00 a.m. for use for the parade on the Fourth of July, and will remove said reviewing stand thereafter.

6. The Committee is granted permission to use a public address system at the reviewing stand for the parade. Said public address system to be furnished by the Committee.

7. The following parade route is approved as the parade route to be used on the Fourth of July, subject to approval of the Police Chief and Publics Works and Transportation Director: starting at 10th and F Streets, north on 10th to J Street; east on J Street to 11th Street; south on 11th to I Street; east on I Street to 16th Street; then disband.

8. The City will supply three (3) street sweepers for the parade.

9. The City will allocate funds to the Committee according to the City Council's annual review of assistance requests.

10. The City will provide police assistance during the parade, picnic in the park, and fireworks display as deemed necessary by the Police Chief.

11. 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 park activities.

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

1. That the Committee's request to use Graceada Park relating to the Picnic in the Park Fourth of July Celebration is hereby approved subject to the following conditions:

- (a) The City shall allow the Committee the use of amplified instrumentation at the event during the designated event times at a volume not to disturb the adjoining neighborhoods.
- (b) The Committee shall adhere to all Alcoholic Beverage Control requirements.
- (c) All alcoholic beverages shall remain within the enclosed "beer garden" sales area.
- (d) The Committee shall provide two (2) security guards that are licensed and insured to provide security for the beer garden during hours of operation, as well as 24-hour night time security.
- (e) The Committee shall be responsible for providing a technician for electrical services for the food booths, sound systems, and light systems. The City shall provide a technician to connect the Committee's sound system to the electrical power at Mancini Bowl.
- (f) The Picnic in the Park Fourth of July Celebration shall not continue beyond the hour of 6:00 o'clock p.m. on the said date(s).
- (g) If the Fourth of July falls on Friday, Saturday, Sunday, or Monday, the Fourth of

July Celebration Committee has the option to use Graceada Park for two (2) consecutive days.

2. That the City of Modesto will supply a minimum of ten (10) chemical toilets for use in the Graceada Park for the Picnic in the Park.

3. Dial-A-Ride Service will operate on its regular schedule for handicapped and senior citizens on the Fourth of July.

BE IT FURTHER RESOLVED that the following conditions shall apply to the request of the Committee relating to its parade, picnic in the park, and fireworks display:

1. That the City of Modesto shall indemnify and hold harmless the Committee from any and all liability, costs, damages, or injuries to persons or damage to property, which may arise out of or in any way be connected with the ordinary and customary condition of City property and facilities, or which may arise out of the negligent acts or omission 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 sponsored Fourth of July parade, use of the bluff land adjacent to Dryden Park Golf Course, City's two (2) adjacent golf courses and John Thurman

Field, and the streets and areas adjacent thereto for the Committee's fireworks display and the use of the City facilities for the Committee's parade and picnic in the park.

3. That the Committee shall provide to the City Clerk current and valid certificate(s) of insurance that are in compliance with the City of Modesto Standard Insurance requirements. Such insurance, at a minimum, shall include Commercial General Liability coverage in a primary amount of not less than \$1,000,000 per occurrence; include the City of Modesto as an additional insured; provide the City with ten days' written notice prior to cancellation, alternation or material change in coverage. The Committee shall also file acceptable verification of coverage for legal liquor liability. Such verifications shall be submitted to the Risk Manager and shall meet with Risk Managements approval one week prior to the date of the event. Upon approval, said verification shall be filed with the City Clerk.

4. The Committee shall require its Fireworks Display Contractor to maintain liability insurance in the amount of Two Million and no/100ths Dollars (\$2,000,000.00) per occurrence/aggregate limits in a form satisfactory to the City. Such insurance must name the Fourth of July Celebration Committee, the City of Modesto, and the Modesto Jaycees as "additional insureds".

BE IT FURTHER RESOLVED that the future Fourth of July Celebrations consisting of parades, picnics in the park and/or

fireworks display are approved so long as each such event and activity complies with all ordinances, rules, regulations, orders, conditions or the like as the same now exists or as hereafter may be promulgated and all authorizations or approvals are first obtained from the City Manager, Police Chief, the Fire Chief, the Parks and Recreation Director or such other City officers as may be appropriate.

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. 94-182 adopted April 5, 1994, 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 June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-309

A RESOLUTION APPOINTING ARLENE SILVA MATTOS
AS "POET LAUREATE" OF THE CITY OF MODESTO.

WHEREAS, on July 13, 1993, by Resolution No. 93-412,
the City Council established a non-salaried honorary position to
be known as "The Poet Laureate of the City of Modesto", and

WHEREAS, the Culture Commission has the responsibility
for nominating and recommending appointments to the Poet Laureate
position, and

WHEREAS, the purpose of a Poet Laureate is to present
original poems at various official occasions, and

WHEREAS, a copy of the City of Modesto Policy regarding
said non-salaried honorary Poet Laureate position is on file in
the office of the City Clerk, and

WHEREAS, the Culture Commission has recommended to the
City Council the appointment of Arlene Silva Mattos as the second
Poet Laureate of the City of Modesto, and

WHEREAS, Arlene Silva Mattos is a native of Stanislaus
County, has had a distinguished career in writing, spanning two
decades, has received many awards for her work and her work has
been published extensively,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the appointment of Arlene Silva Mattos to
the non-salaried honorary position of "Poet Laureate of the City
of Modesto" is hereby approved, for a term from July 1, 1996,

through June 30, 1998.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clock

MODESTO CITY COUNCIL
RESOLUTION NO. 96-310

A RESOLUTION COMMENDING THE MODESTO POLICE DEPARTMENT CITIZEN VOLUNTEERS FOR CONTRIBUTIONS TO THE COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Department Citizen Volunteers ("Volunteers") have contributed numerous hours each year to the City of Modesto by assisting the Police Department in providing hours of service to its citizens, and

WHEREAS, in 1995, there were approximately twenty (20) Volunteers of the organization, private citizens from all walks of life, who devoted many hours of their own time to the Modesto Police Department, apart from their employment or business, without receiving any pay whatsoever, and

WHEREAS, the Volunteers worked with the Modesto Police Department, performing whatever duties might have been requested in all the divisions of the Police Department, including assisting in both the Bureau of Support and the Bureau of Operations of the Modesto Police Department, and

WHEREAS, during the year 1995, the Volunteers served a total of one thousand five hundred forty-three (1,543) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Department Citizen Volunteers is hereby commended for contributing many hours of service in the organization which

so greatly contributes to the reduction of costs for enhancement of services rendered to the citizens of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Volunteers who devoted many personal hours of service to the Modesto Police Department and citizens of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-311

A RESOLUTION COMMENDING THE MODESTO POLICE
DEPARTMENT EXPLORERS FOR CONTRIBUTIONS TO THE
COMMUNITY WELFARE AND SAFETY.

WHEREAS, the Modesto Police Department Explorers
("Explorers") have contributed numerous hours each year to the
City of Modesto by assisting the Police Department in providing
hours of service to its citizens, and

WHEREAS, in 1995 there were approximately thirty-four
(34) explorers in the organization, private citizens from all
walks of life, who devoted many hours of their own time to the
Modesto Police Department, apart from their employment or
business, without receiving any pay whatsoever, and

WHEREAS, the Explorers worked with the Modesto Police
Department, performing whatever duties might have been requested
in all the divisions of the Police Department, including
assisting in both the Bureau of Support and the Bureau of
Operations of the Modesto Police Department, and

WHEREAS, during the year 1995, the Explorers served a
total of six thousand five hundred sixty (6,560) hours of time
for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that each and every person serving with the
Modesto Police Department Explorers is hereby commended for
contributing many hours of service in the organization which so

greatly contributes to the reduction of costs for enhancement of services rendered to the citizens of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Explorers who devoted many personal hours of service to the Modesto Police Department and citizens of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-312

A RESOLUTION COMMENDING THE MODESTO POLICE
RESERVES FOR CONTRIBUTIONS TO THE COMMUNITY
WELFARE AND SAFETY.

WHEREAS, the Modesto Police Reserves ("Reserves") have contributed numerous hours each year to the City of Modesto by assisting the Police Department in protecting the health, safety and welfare of its citizens, and

WHEREAS, in 1995 there were approximately forty-six (46) Reserves in the organization, private citizens from all walks of life, who devoted many hours of their own time to the Modesto Police Department, apart from their employment or business, and

WHEREAS, the Reserves worked with the Modesto Police Department, performing whatever duties might have been requested in the way of enforcing laws, and helping with various community activities taking place in the City, and

WHEREAS, during the year 1995, the Reserves served a total of fifteen thousand seven hundred seventy-three (15,773) hours of time for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every person serving with the Modesto Police Reserves is hereby commended for contributing many hours of service in the organization which so greatly contributes to the health, safety and general welfare of our community.

BE IT FURTHER RESOLVED that in recognition of performance of outstanding service to the City of Modesto, duly authenticated copies of this resolution shall be presented to each of the Reserve Officers who devoted many personal hours of service to the Modesto Police Reserves during the year 1995.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-313

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BRADY AND ASSOCIATES FOR THE KIERNAN BUSINESS PARK SPECIFIC PLAN AND FOCUSED ENVIRONMENTAL IMPACT REPORT TO DEVELOP A BUSINESS PARK IN THE KIERNAN-PELANDALE CORRIDOR FOR ADDITIONAL TASKS TO BE COMPLETED

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and Brady and Associates for the Kiernan Business Park Specific Plan and Focused Environmental Impact Report to Develop a Business Park in the Kiernan-Pelandale Corridor for Additional Tasks to be Completed 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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-314

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PAK MAIL, LOCATED AT 3801 YOSEMITE BOULEVARD, SUITE E, TO OPERATE AS A BUS PASS OUTLET FOR MODESTO AREA EXPRESS (MAX)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pak Mail, 3801 Yosemite Blvd, Suite E to operate as a bus pass outlet for Modesto Area Express (MAX) be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-315

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SCOTTY'S DOUGHNUTS, LOCATED AT 1420 YOSEMITE BOULEVARD, TO OPERATE AS A BUS PASS OUTLET FOR MODESTO AREA EXPRESS (MAX)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Scotty's Doughnuts, 1420 Yosemite Blvd, to operate as a bus pass outlet for Modesto Area Express (MAX) be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-316

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND GOLD STAR CHECK CASHING, LOCATED AT 1610 HATCH ROAD, TO OPERATE AS A BUS PASS OUTLET FOR MODESTO AREA EXPRESS (MAX)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gold Star Check Cashing, 1610 Hatch Road, to operate as a bus pass outlet for Modesto Area Express (MAX) be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-317

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND BEAR POSTAL, LOCATED AT 2625-F COFFEE ROAD, TO OPERATE AS A BUS PASS OUTLET FOR MODESTO AREA EXPRESS (MAX)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Bear Postal, 2625-F Coffee Road, to operate as a bus pass outlet for Modesto Area Express (MAX) be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-318

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA INFOPLACE, LOCATED AT 3401 DALE ROAD, TO OPERATE AS A BUS PASS OUTLET FOR MODESTO AREA EXPRESS (MAX)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Infoplace, 3401 Dale Road, to operate as a bus pass outlet for Modesto Area Express (MAX) be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-319

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PARADISE DRUGS, LOCATED AT 409 PARADISE ROAD FOR INCREASE IN FEES PAID FOR MONTHLY BUS PASS SALES FROM \$.20 PER PASS TO \$.25 PER PASS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and Paradise Drugs, 409 Paradise Road for an increase in fees paid for monthly bus pass sales from \$.20 per pass to \$.25 per pass 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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-320

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND POSTAL CONVENIENCE, LOCATED AT 3507 TULLY ROAD FOR INCREASE IN FEES PAID FOR MONTHLY BUS PASS SALES FROM \$.20 PER PASS TO \$.25 PER PASS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and Postal Convenience, 3507 Tully Road for an increase in fees paid for monthly bus pass sales from \$.20 per pass to \$.25 per pass 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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-321

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CARRANZA PHARMACY, LOCATED AT 1620 CROWSLANDING ROAD, SUITE K, FOR INCREASE IN FEES PAID FOR MONTHLY BUS PASS SALES FROM \$.20 PER PASS TO \$.25 PER PASS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and Carranza Pharmacy, 1620 Crowslanding Road, Suite K, for an increase in fees paid for monthly bus pass sales from \$.20 per pass to \$.25 per pass 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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-322

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BOOKSTORE LTD, LOCATED AT 1700 MCHENRY AVENUE, SUITE D-59, FOR INCREASE IN FEES PAID FOR MONTHLY BUS PASS SALES FROM \$.20 PER PASS TO \$.25 PER PASS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and The Bookstore Ltd., 1700 McHenry Avenue, Suite D-59, for an increase in fees paid for monthly bus pass sales from \$.20 per pass to \$.25 per pass 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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-323

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE YOGURT PUMP #2, LOCATED AT 2401 EAST ORANGEBURG AVENUE, SUITE 17, FOR INCREASE IN FEES PAID FOR MONTHLY BUS PASS SALES FROM \$.20 PER PASS TO \$.25 PER PASS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and The Yogurt Pump, 2401 East Orangeburg Avenue, Suite 17, for an increase in fees paid for monthly bus pass sales from \$.20 per pass to \$.25 per pass 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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-324

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WE CASH #2, LOCATED AT 2900 STANDIFORD AVENUE, SUITE 17, FOR INCREASE IN FEES PAID FOR MONTHLY BUS PASS SALES FROM \$.20 PER PASS TO \$.25 PER PASS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and We Cash #2, 2900 Standiford Avenue, Suite 17, for an increase in fees paid for monthly bus pass sales from \$.20 per pass to \$.25 per pass 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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-325

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND WE CASH #4, LOCATED AT 3848 MCHENRY AVENUE, SUITE 180 FOR INCREASE IN FEES PAID FOR MONTHLY BUS PASS SALES FROM \$.20 PER PASS TO \$.25 PER PASS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and We Cash #4, 3848 McHenry Avenue, Suite 180, for an increase in fees paid for monthly bus pass sales from \$.20 per pass to \$.25 per pass 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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-326

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CASH KING, LOCATED AT 1100 CARVER ROAD, SUITE 14, FOR INCREASE IN FEES PAID FOR MONTHLY BUS PASS SALES FROM \$.20 PER PASS TO \$.25 PER PASS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and Cash King, 1100 Carver Road, Suite 14, for an increase in fees paid for monthly bus pass sales from \$.20 per pass to \$.25 per pass 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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk (13)

MODESTO CITY COUNCIL
RESOLUTION NO. 96-327

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

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

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

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

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Meter Reader Crewleader

The job specification for the classification of Meter Reader Crewleader (Range 120), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after June 11, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

METER READER CREWLEADER

DEFINITION

To act as field supervisor to a crew involved in the reading and recording of water meter consumption; to participate in meter reading and recording activities; and to oversee and perform skilled repair work in the maintenance of City water meters and related equipment.

SUPERVISION

Receives general supervision from a Public Works Supervisor I. Exercises functional and technical supervision over assigned meter reading staff.

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

Provides lead supervision, training and assistance to meter reader/repair worker staff involved in the installation, maintenance and repair of residential, commercial and industrial water meters and related facilities.

Plans, organizes and reviews the work of assigned staff.

Performs the most skilled duties; provides technical assistance to crew members and troubleshoots equipment problems.

Inspects the installation of meters, meter vaults, service lines, valves and connections.

Repairs meter parts including registers, train gears, chambers and discs; calibrates and solders parts as necessary; rebuilds meter chambers.

Schedules routes to ensure coverage during vacation, illnesses, etc.

Maintains accurate records of work performed, materials used, and associated costs; maintains meter reading records requiring uploading and downloading information to the Finance Department.

Maintains computer records of meter information when meters are replaced or new meters installed; also, ensuring that the information is provided to Finance Department in a timely manner for billing purposes.

Instructs crew in work procedures and safe work practices and ensures the use of safety equipment as needed.

EXAMPLES OF DUTIES: (Continued)

Provides recommendations for performance evaluations of assigned staff.

Identifies equipment needs for each assigned project and requisitions supplies and materials as needed.

Responds to service calls and meter maintenance problems.

Coordinates activities with other departments or divisions.

Verifies readings to locate abnormal consumption and record reasons for fluctuations.

Responds to particularly difficult customer service issues both by phone and personal contact.

Establishes turn-off schedule for delinquent payments and participate in actual turn-offs.

Coordinates the compilation of meter information for input into Cassworks computer system.

Performs related work as required.

QUALIFICATIONS

Knowledge of:

Basic supervisory principles and practices.

Method, materials, tools and equipment used in assigned tasks.

Operation and maintenance of hand and power tools and equipment related to the work.

Safe work practices and regulations.

Safety and health issues related to potable water systems.

Ability to:

Lead, train, assign work to, and participate in the work of a crew engaged in meter reading and repair activities.

June, 1996

Ability To: (Continued)

Work independently in the absence of supervision.

Represent the City in situations where the public may be concerned about service interruptions.

Maintain written and computerized records of work performed.

Communicate clearly and concisely, both orally and in writing.

Estimate necessary materials and supplies with a reasonable degree of accuracy.

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:

A minimum of three years experience involving water meter maintenance and repair.

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 a valid Class B Driver's License issued by the California Department of Motor Vehicles is required at time of appointment.

Possession of an American Water Works Association (AWWA) Backflow Prevention Assembly Tester's Certificate is highly desirable.

Possession of an American Water Works Association (AWWA) Cross Connection Control Specialist - Grade I Certificate is highly desirable.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-328

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 95-26 TO APPROVE A REVISED
CLASS RANGE TABLE FOR GENERAL NON-SWORN
CLASSES.

WHEREAS, Exhibit "A" of Resolution No. 95-26 has been
previously amended by Resolution Nos. 95-349 and 95-449, and

WHEREAS, the City Council desires to further amend
Exhibit "A" of Resolution No. 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit
"A" entitled "City of Modesto Class Range Table General Non-Sworn
Classes Effective 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 June 11, 1996", which is attached hereto and made a part
hereof as though set forth in full herein. Said amended Exhibit
"A" adds the newly created position of Meter Reader Crewleader
(Range 120) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become
effective on and after June 11, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
CLASS RANGE TABLE
GENERAL NON-SWORN CLASSES

EXHIBIT A

Effective June 11, 1996

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

Class Range Table
General Non-Sworn Classes
Page 2

116 Code Enforcement Officer II
 Equipment Operator
 Fire Prevention Technician I
 Meter Reader/Repair Worker
 Motor Sweeper Operator
 Traffic Technician
 Traffic Painter
 Traffic Sign Worker
 Water Line Worker
 Wastewater Collection System Operator

117 Electrical Technician II
 Storm Water Inspector

118 Tree Trimmer
 Senior Storeskeeper
 Street Trees Crewleader
 Parking Lot Maintenance Crewleader
 Parks Crewleader

119 Maintenance Mechanic - Parks
 Planning Technician II
 Maintenance Mechanic - Pumps
 Wastewater Treatment Plant Operator
 Civil Engineering Technician I
 Building Maintenance Mechanic
 Police Administrative Assistant
 Public Information Technician

120 Welder/Fabricator
 Senior Equipment Operator
 Fire Prevention Technician II
 Equipment Mechanic
 Assistant Electrician
 Traffic Painter Crewleader
 Accountant I
 Assistant Lab Technician
 Systems Technician
 Meter Reader Crewleader

121

Class Range Table
General Non-Sworn Classes
Page 3

122	Coach Mechanic Fire Equipment Mechanic Tree Trimmer Crewleader Programmer Analyst I Industrial Waste Inspector I Cross Connection Specialist
123	Sr. Wastewater Treatment Plant Operator Maint. Mech. Crewleader - Pumps Civil Engineering Technician II Maint. Mech. Crewleader - Parks
124	Plant Mechanic Laboratory Technician Equipment Mechanic Crewleader Planning Assistant Equipment Crewleader Community Development Program Specialist I Wastewater Collection System Crewleader
125	Crime Analyst
126	Coach Mechanic Crewleader Building Inspector I Electrician Housing Rehab. Specialist I Housing Financial Specialist Industrial Waste Inspector II Senior Fire Equipment Mechanic
127	Civil Engineering Assistant Landscape Technician
128	Instrument Repair Technician Programmer Analyst II Public Improvement Specialist Community Development Program Specialist II
129	
130	Building Inspector II Construction Inspector Housing Rehabilitation Spec. II Hazardous Materials Inspector Senior Crime Analyst
131	Sr. Civil Engineering Asst.
132	

Class Range Table
General Non-Sworn Classes
Page 4

133

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-329

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 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-330

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND DELTA INTERNATIONAL GROUP INC. DBA WEST AIR AVIATION GROUP/MODESTO AERoclUB FOR LEASE OF SUITE A IN OFFICE BUILDING NO. 2

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Delta International Group Inc., dba West Air Aviation Group/Modesto AeroClub for lease of Suite A in Office Building No. 2 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-331

A RESOLUTION AUTHORIZING THE CITY PUBLIC WORKS AND TRANSPORTATION DIRECTOR TO ACCEPT VOLUNTARY DEDICATIONS OF REAL PROPERTY FOR PUBLIC PURPOSES ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, pursuant to Section 7050 of the Government Code, a property owner may voluntarily offer dedications of real property to the City of Modesto for public purposes, and

WHEREAS, examples of such dedications are (1) a dedication of right-of-way for installation of curb, gutter, and sidewalk; and (2) a dedication of an easement for location of street trees, and

WHEREAS, Section 7-1.701(d) of the Modesto Municipal Code provides that the City Engineer is authorized to accept dedications, however, only in limited circumstances where a building permit requires such dedications for the construction of or enlargement of a building, and

WHEREAS, Council authorization of the Public Works and Transportation Director to accept dedications administratively would eliminate the need for Council action when a dedication of real property for public purposes is voluntarily offered on behalf of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Public Works and Transportation Director, or his authorized representative, is hereby authorized to administratively accept voluntary dedications of real property

for public purposes on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the Public Works and Transportation Director, or his authorized representative, is hereby authorized to execute the necessary documents for the acceptance of the aforementioned voluntary offers of dedication of real property for public purposes on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-332

A RESOLUTION APPROVING AN AMENDMENT TO THE POLICY REGULATING THE FILING
PROCESS FOR ALCOHOLIC BEVERAGE CONTROL (ABC) LIQUOR LICENSES

WHEREAS, the City Council adopted the policy entitled "Criteria for
Variance to the ABC Standards" by Resolution No. 96-84, on February 27, 1996;
and

WHEREAS, the Alcoholic Beverage Control (ABC) has informed City staff
that when an applicant requests the City to determine if public convenience or
necessity would be served, the applicant has not been denied a license, as
stated on the City application form; rather, the letter of public convenience
and necessity may be one of several criteria required by ABC during their
investigation; and

WHEREAS, The California Business and Professions Code, Chapter 6,
Section 2358, requires ABC officers to perform all investigative work relating
to the applicant and the information needed by the City is contained in the
ABC Worksheet/Checklist.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto
that the amendment to the policy regulating the filing process for Alcoholic
Beverage Control Liquor Licenses to include the Alcoholic Beverage Control
Worksheet/Checklist with the application is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-333

A RESOLUTION APPROVING A LANDSCAPING AGREEMENT BETWEEN THE CITY OF MODESTO AND SILLS PLAZA AND MODESTO IRRIGATION DISTRICT FOR LANDSCAPE PLANTING IN RIGHT-OF-WAY ADJACENT TO PROPERTY OWNED BY SILLS PLAZA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Modesto Irrigation District and Sills Plaza for landscape planting in right-of-way adjacent to property owned by Sills Plaza 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 June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-334

A RESOLUTION APPROVING A LANDSCAPING AGREEMENT BETWEEN THE CITY OF MODESTO AND SILLS PLAZA FOR DESIGN AND INSTALLATION OF LANDSCAPING AND THE PROVISION OF PLANT MATERIALS IN THE RIGHT-OF-WAY ADJACENT TO PROPERTY OWNED BY SILLS PLAZA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sills Plaza for design and installation of landscaping and the provision of plant materials in the right-of-way adjacent to property owned by Sills Plaza 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 June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-335

A RESOLUTION TO ENCOURAGE AND PROMOTE THE
INCREASED USE OF THE BICYCLE AS A MODE OF
TRANSPORTATION IN THE CITY OF MODESTO.

WHEREAS, adult citizens in Modesto use the bicycle for
non-recreational uses such as commuting, and

WHEREAS, many children depend on the bicycle for
transportation to school, to friends' homes, to parks, and to run
errands, and

WHEREAS, use of the bicycle reduces air pollution and
traffic congestion, and

WHEREAS, bicycle use is an excellent means of exercise,
and

WHEREAS, increased bicycle usage by the public is
desirable for the general health of the citizenry, and

WHEREAS, providing routes for bicycle users is a small
fraction of the cost of providing roads for automobile traffic,
and

WHEREAS, the public would be more willing to use
bicycles as a primary mode of transportation if more bicycle
routes were available that are safe and efficient,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that it hereby formally recognizes the bicycle as
a mode of transportation in Modesto.

BE IT FURTHER RESOLVED that the City of Modesto
encourages and promotes the use of the bicycle for transportation

where feasible.

BE IT FURTHER RESOLVED that full consideration of a bicycle element be included in transportation planning in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk
3.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-336

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a

resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1996-97, and

WHEREAS, the Council has adopted Resolution No. 96-288 on May 28, 1996, which is the Resolution of Intention to levy and collect assessments within the assessment district for the fiscal year 1996-97 and to set a public hearing to be held on June 18, 1996, 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 1996-97.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

Clerk
3

MODESTO CITY COUNCIL
RESOLUTION NO. 96-337

A RESOLUTION CONFIRMING THE DIAGRAM AND ASSESSMENTS AND LEVYING ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 7-10 AND CREEKWOOD MEADOWS SUBDIVISION.

WHEREAS, Resolution No. 88-935 adopted by the Council of the City of Modesto on December 18, 1988, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, and

WHEREAS, said assessment district was formed in accordance with the Landscaping and Lighting Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22624 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a

resolution of intention to levy and collect assessments within the assessment district for the fiscal year 1996-97, and

WHEREAS, the Council has adopted Resolution No. 96-289 on May 28, 1996, which is the Resolution of Intention to levy and collect assessments within the assessment district for fiscal year 1996-97 and to set a public hearing to be held on June 18, 1996, 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 1996-97.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1996, by Councilmember McClanahan who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-338

A RESOLUTION AMENDING THE MODESTO URBAN AREA GENERAL PLAN TO AMEND THE GENERAL PLAN CIRCULATION AND TRANSPORTATION TEXT AND DIAGRAM TO REVISE EXPRESSWAY SYSTEM DESIGNATIONS, AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report 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 and No. 96-20, copies of which are on file in the office of the City Clerk, and

WHEREAS, the Community Services and Facilities Policies in the current Modesto Urban Area General Plan, specifically the Circulation and Transportation Designations policies text for Expressways, Policy B.3.b, on pages V-1, V-2 and V-3, describe classes and design criteria for expressways, and

WHEREAS, the Circulation and Transportation Diagram in the current Modesto Urban Area General Plan, Figure V-1, page V-35, (Exhibit A), designates expressway classes, number of lanes and their geographic alignments within and surrounding the

Modesto Urban Area, and

WHEREAS, pursuant to the provisions of Government Code Section 65354 of the State of California, the Modesto City Planning Commission is charged with the responsibility of recommending to the City Council amendments to the Modesto Urban Area General Plan, and

WHEREAS, on May 20, 1996, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to a proposed amendment to the General Plan Circulation and Transportation Text and Diagram to revise expressway system designations to certain segments as Four-Lane Expressways and other segments as Six-Lane Expressways, to reflect the Master EIR's traffic model for the current Modesto Urban Area General Plan, at which time all interested persons were heard and their testimony, both oral and written was considered, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 96-25, recommending to the City Council an amendment to the General Plan to revise the Circulation and Transportation Text and Diagram to redesignate certain expressway segments as Four-Lane Expressways and other segments as Six-Lane Expressways, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 7:00 p.m. on June 18, 1996, 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,

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 Area General Plan is hereby approved to revise the Circulation and Transportation Text and Diagram of the General Plan to redesignate certain expressway segments as Four-Lane Expressways and other segments as Six-Lane Expressways, for the orderly development of the City of Modesto, and said amendment is required for the public health, safety and welfare for the following reasons:

1. The revised designations will more precisely define the exact right-of-way limits of the expressway segments permitting adjacent properties and responsible agencies to more effectively plan for the roadways and their surrounding uses.
2. The revised expressway segment designations will more precisely match the analysis of the General Plan Master EIR traffic model for the recommended number of lanes.

BE IT FURTHER RESOLVED by the Council that the amendment to the General Plan Circulation and Transportation Diagram, Figure V-1, page V-35, (Exhibit A), to redesignate certain expressway segments by incorporating the attached Exhibits "B" and "C" into Figure V-1 and revising Figure V-1 accordingly, (see Exhibit D), and revising the Text of the Circulation and Transportation policies, pages V-1, V-2 and V-3, in accordance with the attached Exhibit "E", is hereby approved.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to certify copies of said Amended General Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Mayor Lang
NOES:	Councilmembers:	Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

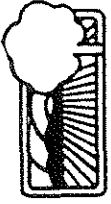
(SEAL)

APPROVED AS TO FORM:

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

Attachment A

Existing Circulation and
Transportation Diagram



CITY OF MODESTO

GENERAL PLAN PROGRAM

Figure 7-1

CIRCULATION AND TRANSPORTATION DIAGRAM

LEGEND



FREWAY
Dark arrows indicate proposed direction of travel. The city limits of Modesto are shown by the city limits of Modesto.



CLASS B EXPRESSWAY
Dark arrows indicate proposed direction of travel. The city limits of Modesto are shown by the city limits of Modesto.



CLASS B EXPRESSWAY
Dark arrows indicate proposed direction of travel. The city limits of Modesto are shown by the city limits of Modesto.



CLASS C EXPRESSWAY
Dark arrows indicate proposed direction of travel. The city limits of Modesto are shown by the city limits of Modesto.



PRINCIPAL ARTERIAL
4 Level Street



PRINCIPAL ARTERIAL
4 Level Street



MINOR ARTERIAL
4 Level Street



MAJOR COLLECTOR
4 Level Street



MINOR COLLECTOR
2 Level Street (shown only as dashed line)



AIRPORT



RAILROAD



STATE HIGHWAY DESIGNATOR
(State Number)

Indication that these streets extend outside the boundary of the Modesto Area General Plan. Construction subject to State or County jurisdiction.

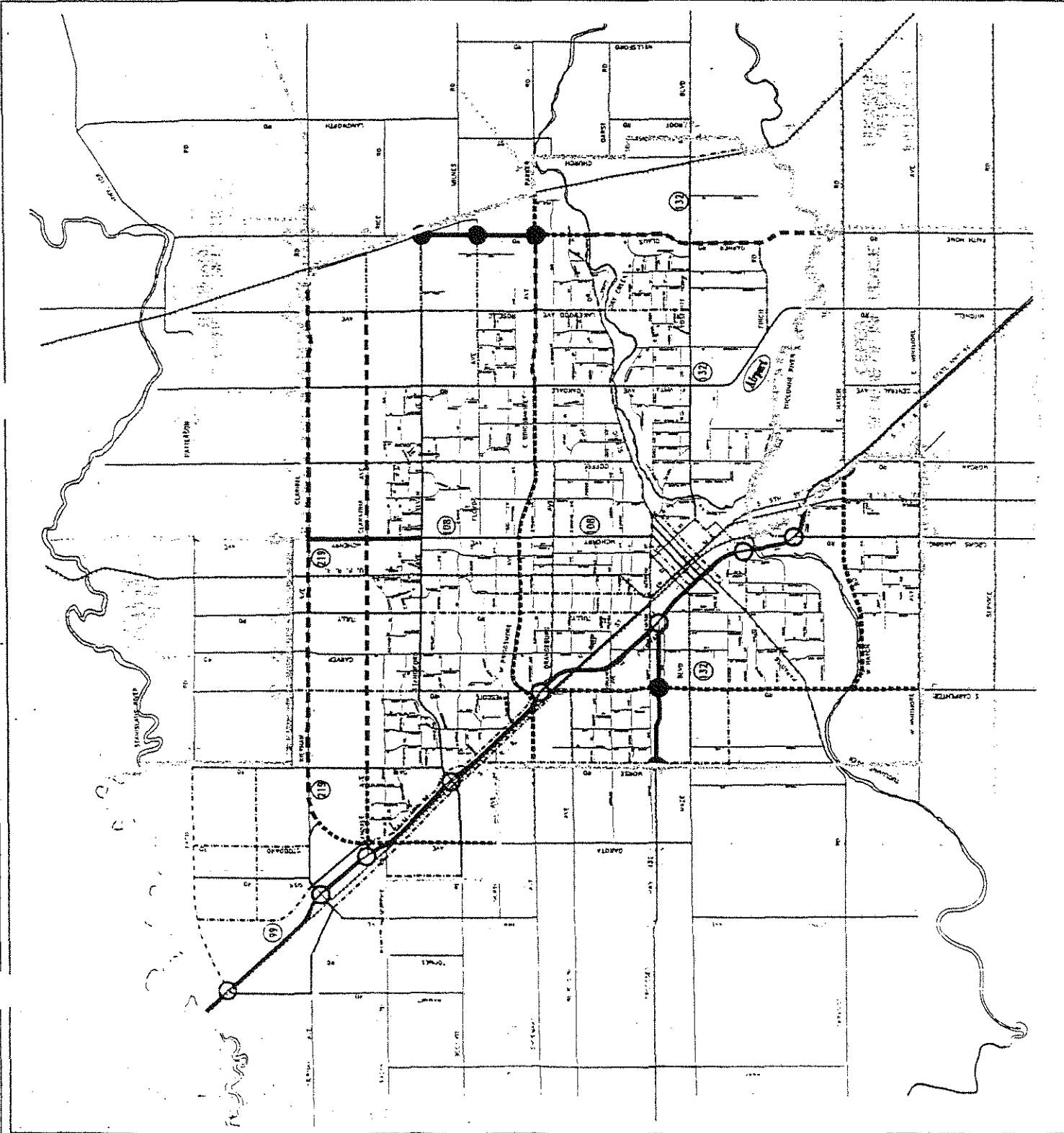
Indication that these streets extend outside the boundary of the Modesto Area General Plan.

REFERENCE POINTS

GENERAL PLAN BOUNDARY

ADJACENT COMMUNITIES BOUNDARY

STREETS



Attachment B





Proposed Four-Lane Expressways

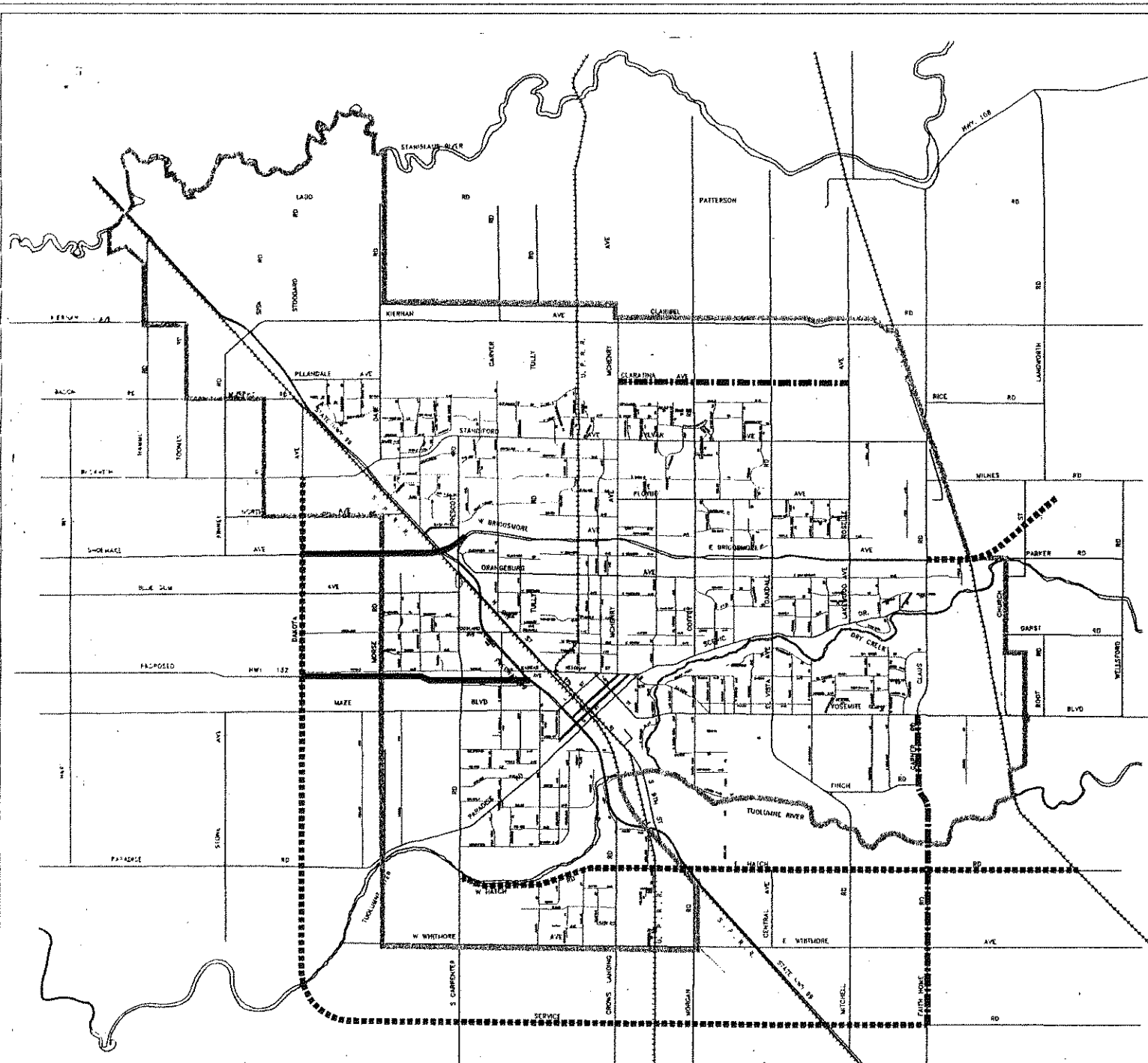


CITY OF MODESTO
GENERAL PLAN PROGRAM

CIRCULATION AND
TRANSPORTATION
DIAGRAM

PROPOSED
CIRCULATION ELEMENT
AMENDMENT:

-  FOUR LANE EXPRESSWAY - Class A
-  FOUR LANE EXPRESSWAY - Class B
-  FOUR LANE EXPRESSWAY - Class C
-  General Plan Boundary



Attachment C

Proposed Six-Lane Expressways



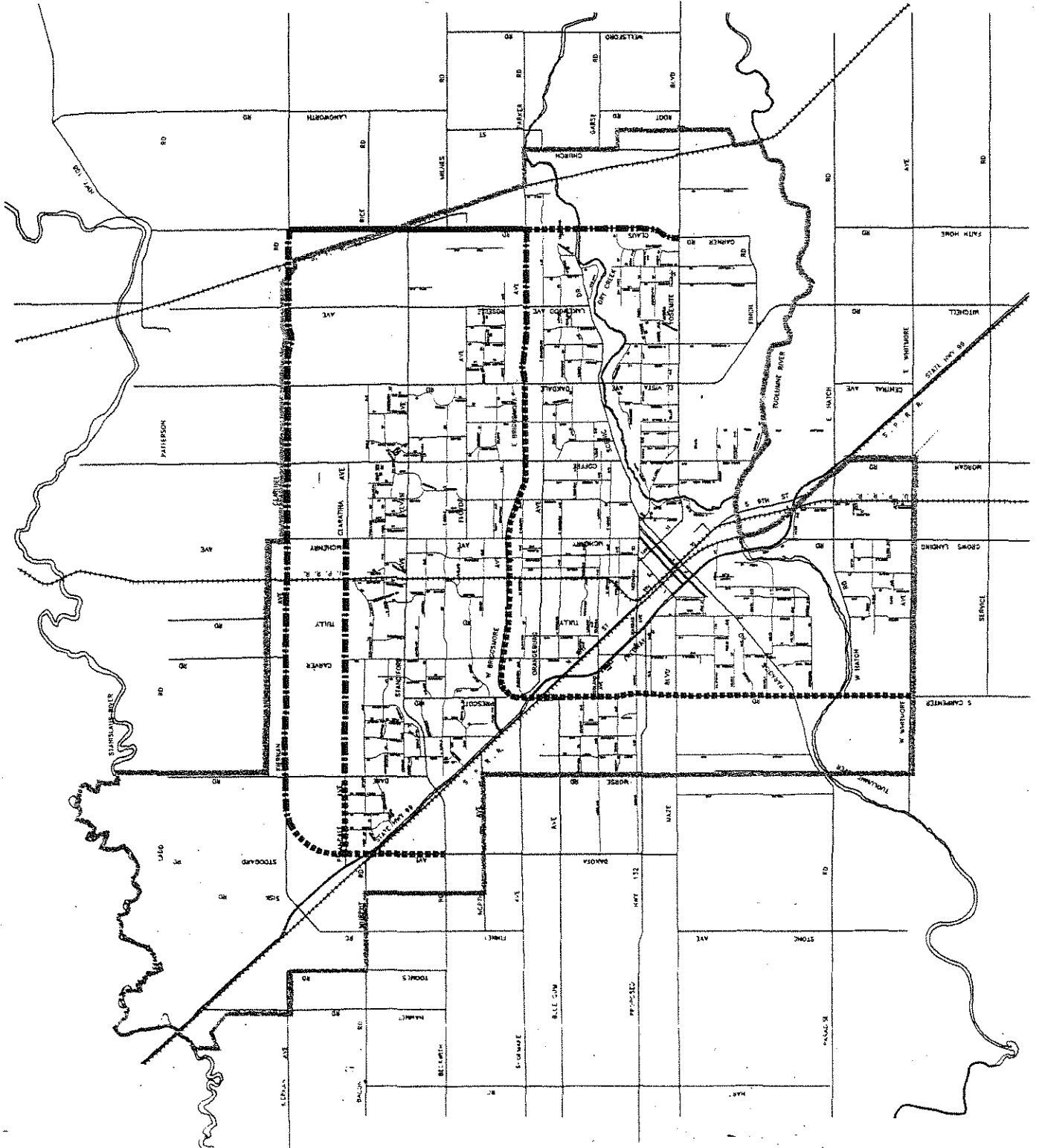
**CITY OF MODesto
GENERAL PLAN PROGRAM**

**CIRCULATION AND
TRANSPORTATION
DIAGRAM**

**PROPOSED
CIRCULATION ELEMENT
AMENDMENT:**

- SIX LANE EXPRESSWAY - Class A
- SIX LANE EXPRESSWAY - Class B
- SIX LANE EXPRESSWAY - Class C

————— General Plan Boundary



Attachment D

Revised Circulation and Transportation
Diagram (Proposed)



CITY OF MODESTO
GENERAL PLAN PROGRAM

Figure V-1
Sheet 1 of 2

CIRCULATION AND
TRANSPORTATION
DIAGRAM

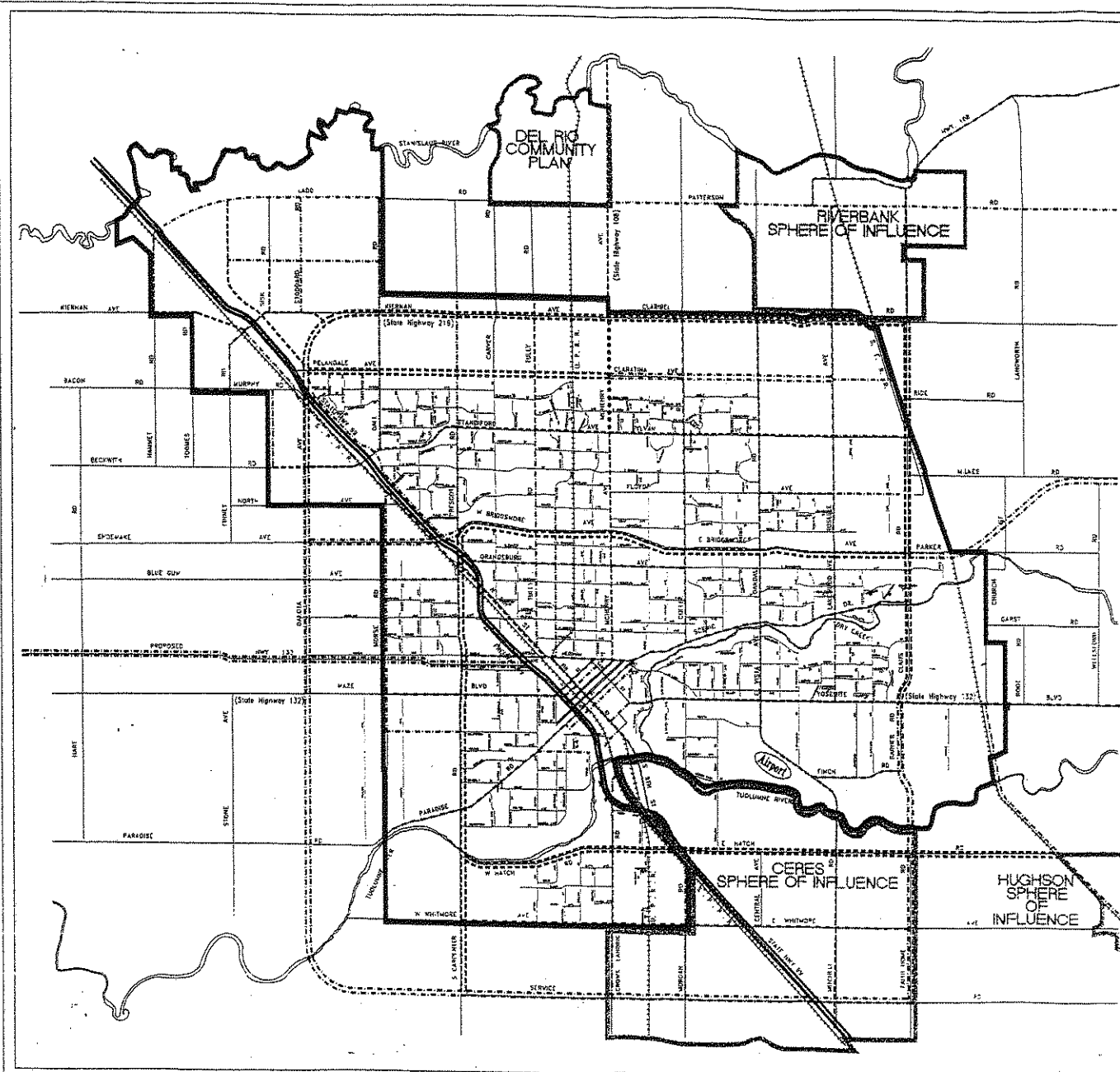
LEGEND
FACILITY DESIGNATIONS *

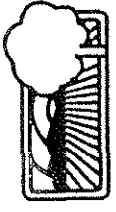
- FREEWAY 99
- EXPRESSWAY
(Lane, see Amd 2 for Classification)
- EXPRESSWAY
(Lane, see Amd 2 for Classification)
- PRINCIPAL ARTERIAL
(Lane)
- PRINCIPAL ARTERIAL
(Lane)
- MINOR ARTERIAL
(Lane)
- MAJOR COLLECTOR
(Lane)
- MINOR COLLECTOR
(Lane : Shows in developed areas only)
- AIRPORT
- RAILROAD

* Note : Designations shown outside the
General Plan Boundary are illustrative only,
subject to other jurisdictions.

REFERENCE POINTS

- GENERAL PLAN BOUNDARY
- ADJACENT COMMUNITY BOUNDARY
- RIVERS





CITY OF MODesto
GENERAL PLAN PROGRAM

Figure V-1
Sheet 1 of 8

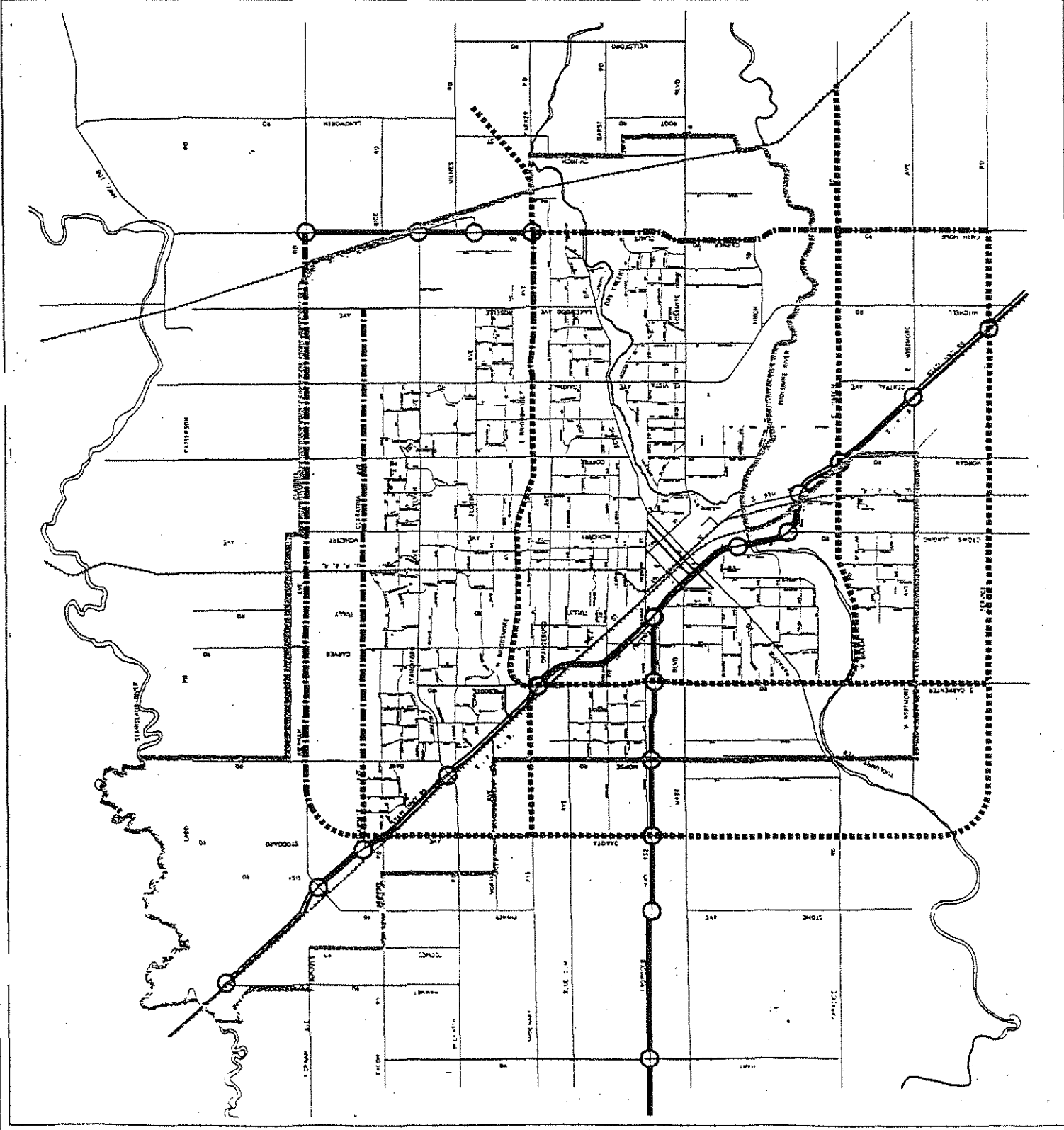
**CIRCULATION AND
TRANSPORTATION
DIAGRAM**

**Expressway Classifications
and Interchange Locations ***

Legend

- Freeway 99
- Interchanges for Freeway 99 and Class A Expressways
- Class A Expressway
- Class B Expressway
- Class C Expressway
- General Plan Boundary

* Note: Classifications and Interchange shows outside the General Plan Boundary are illustrative only, subject to other jurisdictions.



Attachment E

Revised Text Narrative (Proposed)

EXHIBIT E

The following revisions would be made to the General Plan text of Chapter V, Community Services and Facilities, page V-2 and 3, Policy B.3.b.:

- b. Expressways - This classification defines high volume, access-controlled roadways which do not allow for pedestrian or bicycle movements in the travelled way. ~~There are three Expressway classes as described below and illustrated on Figure V-2. The location, class, and number of lanes for expressway alignments are shown in the circulation and Transportation Diagram, Figure V-1. In addition, Figure V-2 presents expressway design features which should be incorporated into the construction of future expressways.~~

- (1) "Class A" Expressway is an access-controlled roadway with design speeds of 50-55 mph. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively) between intersections and 175 or 300 feet at interchange (4 or 6 lanes, respectively).
- (2) "Class B" Expressway is defined as a partial access-controlled roadway with signalized intersections at major streets and right-turn-only access to collector streets. The design speed will be 45-50 mph. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively) between intersections and 134 or 159 feet at intersections (4 or 6 lanes, respectively).

State Highway 219 (Kiernan Avenue, between Highway 99 and McHenry Avenue) will be a Class B expressway, with a right-of-way of 181 feet as specified by Caltrans.

- (3) "Class C" Expressway is defined as a limited access-controlled roadway. The design speed is 40-45 mph. The typical right-of-way is 110 or 135 feet between intersections (4 or 6 lanes, respectively) and 134 or 159 feet at intersections (4 or 6 lanes, respectively).

Note: Class B or C Expressways on limited rights-of-way may be 100 feet for Four-Lanes and 124 feet for Six-Lanes, respectively.

Chapter V, Community Services and Facilities, page V-1 and V-2,
policy B.2:

2. Circulation and Transportation Diagram

Figure V-1 presents the Circulation and Transportation Diagram which describes the proposed general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public facilities within the Modesto Urban Area. The Diagram conforms to Section 65302(b) of the Government Code, and is hereby adopted and incorporated into the Modesto Urban Area General Plan.

Street designations, outside the General Plan boundary shown in Figure V-1 are illustrative only and subject to other jurisdictions.

The word "Diagram" is distinguished from "Map" in the context of a California Attorney General Opinion (67 OPS.CAL.ATTY.GEN.75 (3/7/84)), to provide a certain limited degree of flexibility in applying the Circulation and Transportation Designations to specific streets.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-339

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING THE MODESTO URBAN AREA GENERAL PLAN TO AMEND THE CIRCULATION AND TRANSPORTATION TEXT DIAGRAM TO REVISE EXPRESSWAY SYSTEM DESIGNATIONS.

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, on April 30, 1996, the City's Community Development Department by Environmental Assessment 96-54 has reviewed the proposed amendment to the General Plan, 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 May 20, 1996, the Modesto Planning Commission, after a duly noticed public hearing, adopted Resolution No. 96-25, recommending to the City Council an amendment to the General Plan to revise the Circulation and Transportation Text and Diagram to redesignate certain expressway

segments as Four-Lane Expressways and other segments as Six-Lane Expressways,

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 APRIL 30, 1996, 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. 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 18th day of June, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember McKinsey, was upon roll call carried and the resolution adopted by the following vote:

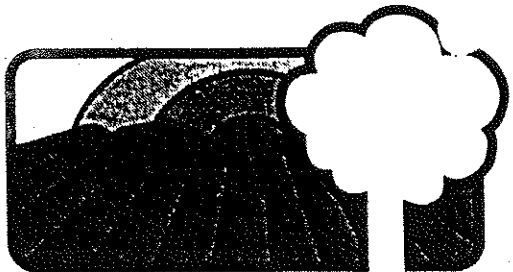
AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, McKinsey, Mayor Lang
NOES: Councilmembers: Serpa
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



CITY of MODESTO

Community Development Department

96-54

E. A. No.

CITY OF MODESTO INITIAL STUDY

PROJECT EFFECTS ADEQUATELY EXAMINED BY MASTER EIR

Project: General Plan Amendment - Circulation and Transportation
Text and Diagram for Expressways

I. PURPOSE OF INITIAL STUDY

This Initial Study provides environmental review for a proposed amendment to the City of Modesto Urban Area General Plan so that staff can make a determination, pursuant to CEQA Section 15063(b)(1)(c), as to whether the project was adequately examined by an earlier EIR or "another appropriate process" which includes a Master EIR. The City's certified Master EIR (SCH# 92052017) prepared pursuant to CEQA Section 21157, which analyzed the adopted General Plan, is the previous EIR. This Initial Study provides documentation that the proposed project would not cause any additional significant effects not already analyzed by the Master EIR.

II. PROJECT DESCRIPTION

A. Project title:

General Plan Amendment

Circulation and Transportation text and diagram
for Expressways.

City of Modesto Urban Area General Plan

(Previous EIR is City of Modesto Urban Area General
Plan Master EIR (SCH# 92052017)).

B. Lead agency name and address:

City of Modesto, Community Development Department, P.O.
Box 642, Modesto, CA 95353.

Exhibit "A"

C. Contact person and phone number:

Brian Smith, Principal Planner. (209)577-5276.

D. Project location:

The existing and planned Expressways, generally located along the perimeter and through the center of the Modesto Urban Area (Exhibit "A").

E. Project sponsor's name and address:

City of Modesto
Community Development Dept.
P.O. Box 642, Modesto, CA 95353

F. General Plan designation:

The land uses in the areas proposed for revision are the full range of uses for buildout of the Urban Area General Plan described in the certified Master EIR for a population of 466,000.

G. Zoning:

The zoning indicated is the full range of zoning classifications included in the buildout of the Urban Area General Plan, as found in the certified Master EIR.

H. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation).

The General Plan adopted August 15, 1995 includes a Circulation and Transportation Diagram which incorporates Expressways that were adopted by the regional Council of Governments, the Stanislaus Area Association of Governments. However, the General Plan Circulation and Transportation Diagram did not designate the number of lanes on this diagram.

The traffic model used to develop the alternatives for the General Plan designated a specific number of lanes for its analysis. This traffic model was used as a basis for Land Use designations in the General Plan. This traffic model is incorporated into the Master EIR Appendices as Appendix II-A.

There are seven segments in the expressway system which are proposed to be designated for Four-Lanes (right of way: 110 ft. regular, 100 ft. limited) and four segments which are proposed to be designated as Six-Lanes (right of way: 135 ft. regular, 124 ft. limited).

Since all eleven segments were analyzed in the Master EIR as theoretically accommodating Six-Lanes, the project proposed involves only the designation of Four-Lane Expressways on the City's Circulation and Transportation Diagram. Conversely, since the existing General Plan already assumed Six-Lane Expressway Links, they are not considered to be changed by this proposal.

Following are the Four-Lane Expressway links (Exhibit "B"):

1. Pelandale Expressway - between McHenry Avenue and Roselle Avenue
2. Shoemake Avenue - between Highway 99 and Dakota Avenue
3. Parker Road - between Claus Road and Milnes Road
4. Dakota Avenue - between Beckwith Road and the Tuolumne River
5. Service Road - between the Tuolumne River and Faith Home Road
6. Hatch Road - between Carpenter Road and the Santa Fe Railroad
7. Garner/Faith Home Road - between Service Road and Yosemite Boulevard

Following are the Six-Lane Expressway links (Exhibit "C"):

1. Kiernan/Claribel - between the Pelandale Interchange and Claus Road
2. Pelandale Expressway - between Pelandale Interchange and McHenry Avenue
3. Briggsmore Expressway - between the Briggsmore Interchange and Claus Road
4. Carpenter Road - between the Briggsmore Interchange and Whitmore Road

The existing General Plan text, Policy B, 3.b, on pages V-2 and V-3 contains right-of-way and design requirements for the different Expressway classes. The text would be revised to include a reference to the new diagrams (Exhibit "D").

- I. Surrounding land uses and setting: (Briefly describe the project's surroundings).

Various uses including: Residential, non-residential and agricultural.

- J. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).

None.

III. ANALYSIS OF PROJECT EFFECTS ADEQUATELY EXAMINED BY MASTER EIR

Substantial evidence is contained in this Initial Study that the project will have no additional significant effects on the environment that were not examined in the Master EIR. The following sections of the Master EIR adequately examined the proposed projects environmental effects and mitigation measures for the reasons stated below:

- A. Traffic and Circulation Needs (pages IV-1-1 through IV-1-34 MEIR)

The Public Works and Transportation Director has reviewed the Master EIR's Traffic analysis and has verified that the designated Four-Lane segments are appropriate to accommodate the projected traffic.

The project's purpose, to designate certain specific Expressway segments as Four-Lanes will exactly reflect the Master EIR's traffic model for the adopted General Plan. The model indicates that Four-Lanes will not affect the level of service for those specific segments. Therefore, the project will have no significant effects not examined by the Master EIR for traffic and Circulation needs and existing Mitigation Measures are adequate.

- B. Degradation of Air Quality (pages IV-2-1 through IV-2-25 MEIR)

Revising the Circulating Diagram to reflect the adopted Traffic Model would not generate increased traffic. Therefore, this revision would not reduce roadway efficiency or generate additional pollutants beyond that identified in the Master EIR's analysis, and existing Mitigation measures are adequate.

- C. Generation of Noise (pages IV-3-1 through IV-3-33 MEIR)

Revising the expressway segments to Four-Lanes would not have any effect on the number or type of vehicles using the roadways or any other factors analyzed by the traffic model which would affect the efficiency of the expressways. Thus, the Master EIR noise analysis for Generation of Noise and corresponding Mitigation Measures are adequate.

- D. Loss of Productive Agricultural Land (pages IV-4-1

through IV-4-16 MEIR)

The project, which includes the designation of several Expressway segments as Four-Lane rather than Six-Lane, could result in less right-of-way proposed through agricultural land than the current Six-Lane designation would allow. Specifically the Dakota Avenue, Claratina Avenue and Service Road segments could have reductions of from 135 feet to 100 feet of right-of-way. Thus the project would have no additional impacts on agricultural land not already examined by the Master EIR.

E. Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 MEIR)

The project to redesignate specific Expressway segments, from Six-Lanes to Four-Lanes, would have no effect on demand for water supplies.

F. Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9 MEIR)

The project is limited to the redesignation of Expressway segments and would create no additional demand for sanitary sewer services.

G. Loss of Sensitive Wildlife and Plant Habitat (pages IV-7-1 through IV-7-30 MEIR)

The project would affect two roadways that cross through a Biological Resources Study area, as shown in Figure 7-1 in the Master EIR. Specifically, the Dakota/Service Expressway alignment and the Garner/Faith Home Expressway alignments cross through the Riparian corridor of the Tuolumne River. However, these segments are designated Class C, Four-Lanes which is a reduced right-of-way width from what was previously studied in the Master EIR. Thus, any potential impacts were adequately examined in the Master EIR for Loss of Sensitive Wildlife and Plant Habitat and existing Mitigation Measures are adequate.

H. Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21 MEIR)

These two Expressway segments, the Dakota/Service segments and the Garner/Faith Home segments would be revised so that the maximum roadway width would be Four-Lane, Class C, 100-124 feet rather than the Four to Six-Lane, Class C, 110-135 feet permitted by the current General Plan. Thus, there would be no additional significant effects for Disturbance of Archaeological or Historical Sites and Mitigation Measures in the MEIR are adequate.

I. Drainage, Flooding and Water Quality (pages IV-9-1 through IV-9-23 MEIR)

The project would limit the right of way and number of lanes for seven Expressway segments with a total length in excess of 10 miles within the Modesto Urban Area. There would potentially be two less lanes in these seven links and a corresponding reduction in impervious surfaces for stormwater runoff. Therefore, the project will cause no additional significant effects for Drainage, Flooding and Water Quality not previously examined in the Master EIR.

J. Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8 MEIR)

The project will result in certain Expressway segments being constructed to right-of-way as Four-Lanes, Class C, 100-124 feet which could have been constructed at Six-Lanes and 110-135 feet wide under the designation in the current General Plan. This narrower right-of-way would result in less impervious surface and possibly reduced stormwater runoff. Thus, the project would not have additional effects for Storm Drainage not already examined in the Master EIR.

K. Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11 MEIR)

The project to redesignate Expressways will not affect Parks and Recreation acreages available for future or present population as analyzed in the Master EIR. Therefore, there are no additional effects for Parks and Recreation not analyzed in the Master EIR.

L. Increased Demand for Schools (pages IV-12-1 through IV-12-11 MEIR)

The project to redesignate Classification and number of lanes for Expressways will have no effect on the generation of students or demand for schools as identified in the Master EIR. Thus there are no additional effects not examined in the Master EIR.

M. Increased Demand for Police Services (pages IV-13-1 through IV-13-8 MEIR)

Because this project would not affect traffic flow on the roadways, the project will not create additional demand for Police Services beyond that already examined in the Master EIR.

N. Increased Demand for Fire Services (pages IV-14-1 through IV-14-1 through IV-14-9 MEIR)

Because the project will still provide a road network which will allow access and traffic flow for emergency vehicles, the project will not create additional demand for Fire Services beyond that already analyzed in the Master EIR.

O. Generation of Solid Waste (pages IV-15-1 through IV-15-10 MEIR)

Because the project will be limited to Expressway designations, it will not generate any additional Solid Waste effects not already analyzed in the Master EIR.

P. Generation of Hazardous Materials (pages IV-16-1 through IV-16-15 MEIR)

Because the project specifically deals with the classification and number of lanes of Expressway segments, it will not generate any additional Hazardous Materials not already examined by the Master EIR.

Q. Landslides and Seismic Activity (pages IV-17-1 through IV-17-11 MEIR)

Because the project would not affect roadway efficiency but only redesignate certain Expressway segments as to classification and number of lanes, it will not expose people or structures or interfere with emergency response plans which are mitigation for seismic emergency events. Therefore the existing conditions analyzed by the Master EIR have not changed and there is no additional effect for landslides and seismic activity from this project.

R. Energy (pages IV-18-1 through IV-18-6 MEIR)

Because the project will not affect traffic flow, or roadway efficiency, there will be no additional effects for energy that are not already analyzed in the Master EIR.

IV. MANDATORY FINDINGS OF SIGNIFICANCE

Pursuant to CEQA Section 15065, City of Modesto staff has reviewed the proposed project in light of the substantial evidence contained in the Master EIR and made the following determinations:

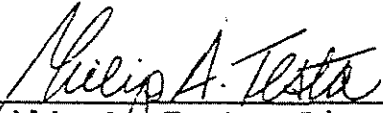
- A. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal or eliminate important examples of the major periods of California history or pre-history.

- B. The project does not have the potential to achieve short term, to the disadvantage of long-term, environmental goals.
- C. The project does not have impacts which are individually limited, but cumulatively considerable.
- D. The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

V. FINDINGS

On the basis of this initial evaluation the following findings were made:

- A. The project is within the scope of the City of Modesto Urban Area General Plan Master EIR (State Clearing House #92052017), and all of the projects effects were adequately examined by the Master EIR.
- B. The proposed amendment to the General Plan poses no new significant changes or environmental impacts that were not discussed in the Master EIR (Section 15162 (a)(1) State CEQA Guidelines).
- C. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the previous analysis in the Master EIR, the project description, and on consultation with responsible agencies that reviewed this proposal (Section 15162 (a)(2) State CEQA Guidelines).


 Philip A. Testa, Director,
 Community Development Department

Date: 4/30/96

ATTACHMENTS

[Note: Duplicates of Attachments A - E]

- Exhibits: A - Adopted Circulation and Transportation Diagram
- B - Proposed Four-Lane Expressways
- C - Proposed Six-Lane Expressways
- D - Proposed Revisions to Text Narrative

Attachment G

Planning Commission Minutes

MODESTO CITY COUNCIL
RESOLUTION NO. 96-340

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE PROJECT TITLED "SUNRISE AND TOKAY STORM DRAIN TIE-IN"

WHEREAS, the bids received for Sunrise and Tokay Storm Drain Tie-in were opened at 2:00 p.m. on May 28, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of Rolfe Construction Company for \$49,853.00 be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-341

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$32,331.00 FOR PROJECT TITLED "SUNRISE AND TOKAY STORM DRAIN TIE-IN"

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

From 628-480-F760-6040; \$32,331.00
To 628-480-F754-6040; \$32,331.00

Insufficient funds were originally budgeted. The cost of the storm drain pipe placement equalled the construction budget. Additional costs for drain inlets, manholes and trench repavement necessitates a fund transfer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-342

A RESOLUTION ACCEPTING THE BID OF WESTERN ENVIRONMENTAL SERVICES INC. FOR THE PURCHASE OF 21,000 POUNDS OF POLYMER

WHEREAS, Resolution No. 96-208, adopted by the Council of the City of Modesto on May 7, 1996, authorized the calling for bids for Furnishing 21,000 Pounds of Polymer; and

WHEREAS, the bids received for furnishing 21,000 pounds of Polymer were opened at 11:10 a.m. on May 29, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Western Environmental Services Inc. for \$43,744.54 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Environmental 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 18th day of June, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-343

A RESOLUTION ACCEPTING THE PROJECT TITLED INSTALLATION OF PLAY APPARATUS, AQUEDUCT PARK, FLOYD PARK, MILDRED PERKINS PARK, AND RIVERSIDE PARK AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Installation of Play Apparatus, Aqueduct Park, Floyd Park, Mildred Perkins Park, and Riverside Park, has been completed by Community Playgrounds, in accordance with the contract agreement dated April 11, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Installation of Play Apparatus, Aqueduct Park, Floyd Park, Mildred Perkins Park, and Riverside Park be accepted from said contractor, Community Playgrounds; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$182,277.05 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 18th day of June, 1996, by Councilmember Friedman, who moved its 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, McKinsey, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-344

A RESOLUTION ESTABLISHING PRICE AND
POPULATION FACTORS TO BE USED IN DETERMINING
THE 1996-97 "APPROPRIATIONS LIMIT" ACCORDING
TO ARTICLE XIII B OF THE CALIFORNIA
CONSTITUTION.

WHEREAS, adoption of the fiscal year 1996-97 Budget
requires that the Modesto City Council also establish the price
and population factors used in determining the City's Proposition
4 Appropriation Limit for fiscal year 1996-97, and

WHEREAS, Article XIII B of the California Constitution
specifies that appropriations made by State and local governments
may increase annually by a factor comprised of the change in
population combined with either the change in California per
capita personal income or the change in the local assessment roll
due to local nonresidential construction, and

WHEREAS, the City's appropriation limitation imposed by
Article XIII B (Proposition 4) for the State Constitution for
1996-97 is hereby established at \$137,275,004, said limitation
pertains only to appropriations financed from tax proceeds, and

WHEREAS, by a memorandum dated June 13, 1996, the
City's Finance Director has advised the City Council that the
City is in no risk of exceeding the ceiling; that documentation
used to compute the Proposition 4 limit is available for public
review, that Schedule VII attached to said report shows the
preferred price and population factors to be used and the

appropriation limit; that the recommended factors to be used in calculating the limit are: the price factor of "State growth in per capita income" and the population factor of "growth rate in Stanislaus County". A copy of said report including Schedule VII 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 1996-97 "Appropriations Limit" according to Article XIII B of the California Constitution is hereby established as set forth on Schedule VII which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1996, 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:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-345**

**A RESOLUTION AMENDING THE 1995-96 BUDGET ADJUSTING
APPROPRIATIONS AND RE-ESTIMATING REVENUE AND ADOPTING THE
BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 1997**

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 1995-96; and

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1996-97 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 1996-97 City of Modesto Proposed Budget is hereby adopted as the budget for fiscal year ending June 30, 1997; 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 1995-96 are hereby reappropriated as a part of the budget for the Fiscal Year 1996-97;

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 18th day of June, 1996, 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: 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: Stan Feathers
STAN FEATHERS, Budget Officer

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-346

A RESOLUTION APPROVING THE VILLAGE ONE
FINANCE PLAN.

WHEREAS, City staff has recommended to the Council the adoption of a proposed Village One Finance Plan which provides for reduced public facility costs, a copy of said proposed plan dated May 1996, is on file in the office of the City Clerk, and

WHEREAS, the proposed Village One Finance Plan is intended to assign public facility costs to development in an equitable manner, and

WHEREAS, said proposed plan was considered at a duly noticed public meeting of the City Council which was held at 7:00 p.m., on Tuesday, June 18, 1996, 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 it hereby approves the Village One Finance Plan which is dated May 1996, and which provides for reduced public facility costs, a copy of which plan 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 18th day of June, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

14

MODESTO CITY COUNCIL
RESOLUTION NO. 96-347

A RESOLUTION APPROVING SUBMISSION OF THE ANNUAL TRANSPORTATION DEVELOPMENT ACT FUND CLAIM TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG).

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

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

WHEREAS, the City of Modesto's claim for fiscal year 1996-97 has been prepared in the amount of \$4,151,090 which includes some funds for bicycle lanes and street maintenance purposes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to execute said Transportation Development Act claim on behalf of the City of Modesto, and that submission of the City of Modesto's Claim to the Stanislaus Area Association of Governments (SAAG) in the amount of \$4,151,090 for fiscal year 1996-97 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-348

A RESOLUTION APPROVING AN OPERATIONAL LETTER OF AGREEMENT BETWEEN THE CITY OF MODESTO AND BARTON ATC INTERNATIONAL FOR OPERATION OF AIRPORT LIGHT SYSTEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the operational letter of agreement between the City of Modesto and Barton ATC International for operation of airport light system be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-349

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DAN GIANNI FROM THE CITIZENS ADVISORY COMMITTEE ON RECYCLING, EFFECTIVE JUNE 18, 1996

WHEREAS, Dan Gianni was appointed a member of the Citizens Advisory Committee on Recycling on May 17, 1994; and

WHEREAS, Dan Gianni has tendered his resignation from the Citizens Advisory Committee on Recycling, effective June 18, 1996; and

WHEREAS, Dan Gianni 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 Dan Gianni from the Citizens Advisory Committee on Recycling be, and hereby is accepted with regret.

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

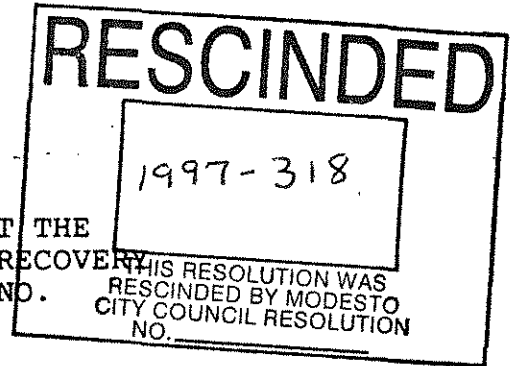
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of June, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-350

A RESOLUTION REVISING TIPPING FEES AT THE
WASTE-TO-ENERGY STANISLAUS RESOURCE RECOVERY
FACILITY, AND RESCINDING RESOLUTION NO.
95-299.



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 7, 1996, 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 \$4.00 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 \$30.50 per ton to \$34.50 per ton, effective July 1, 1996, and

WHEREAS, the 25th day of June, 1996, 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 \$30.50 per ton to \$34.50 per ton, effective July 1, 1996.

BE IT FURTHER RESOLVED that Resolution No. 95-299 is hereby rescinded effective June 30, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1996, by Councilmember McKinsey, who moved its adoption, which motion being duly seconded by Mayor Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-351

A RESOLUTION URGING STANISLAUS COUNTY TO DEVELOP A FORMAL POLICY FOR ESTABLISHING THE RENT OF THE LAND AT THE STANISLAUS RESOURCE RECOVERY FACILITY ON A FAIR MARKET LAND APPRAISAL BASIS.

WHEREAS, the annual rent for the Stanislaus Resource Recovery Facility, which is a pass-through cost to the communities, is paid to the County and is then placed in their general fund, and

WHEREAS, the annual rent has increased from \$100,000 in 1989 to \$400,000 in 1995, and

WHEREAS, this impacts the typical residential garbage rate by approximately \$0.11 per month, and

WHEREAS, City has recommended to the Council that the rent should be based on the fair market value of the land and not simply increased annually, which is County staff's current position, and

WHEREAS, on June 25, 1996, the City Council considered this matter,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby urge Stanislaus County to develop a formal policy for establishing the rent of the land at the Stanislaus Resource Recovery Facility on a fair market land appraisal basis.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th

day of June, 1996, by Councilmember McKinsey,
who moved its adoption, which motion being duly seconded by Mayor
Lang, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-352

A RESOLUTION ACCEPTING THE BID OF B-ZAP-B CORPORATION FOR \$82,938.81 FOR THE PROJECT TITLED "MCHENRY MANSION SEWER GRAVITY LINE"

WHEREAS, the bids received for McHenry Mansion Sewer Gravity Line were opened at 2:00 p.m on June 11, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$82,938.81 from B-ZAP-B Corporation be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 96-353**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE AND TO TRANSFER FUNS TO FULLY FUND THE MCHENRY MANSION SEWER GRAVITY LINE.

WHEREAS, the McHenry Mansion Lift Station has deteriorated due to corrosion, and equipment failure is imminent. An alternative to a new lift station is to replace the sewer pipe in the alley a few feet deeper to flow into the dep 12" subtrunk in "J" Street.

WHEREAS, the existing alley surface consists of broken concrete from many utility cuts. The project scope was expanded to include a new alley surface of portland cement concrete. Payment for the additional alley surface beyond the sewer trench patch will be fronted by the City and reimbursed by the property owners and the Downtown Improvement District. All adjacent property owners have agreed to pay their proportionate share of alley paving costs. New alley approaches will be paid from Pavement Maintenance funds.

WHEREAS, this project is currently budgeted in two projects, one for wastewater improvements 621-480-F730; one for street improvements 070-430-F825 McHenry Alley Paving.

WHEREAS, the following adjustments are necessary:

Wastewater Fund

Fund/Agy/Org		Increase (Decrease)
Expenditures		
621-480-F730-6040	McHenry Mansion Swewer Gravity Line	\$2,000
621-480-F710-6040	Annual Sewer Rehabilitation Account	(\$2,000)

Gas Tax Fund

Fund/Agy/Org		Increase (Decrease)
Expenditures		
070-430-F825-6040	McHenry Mansion Alley Paving	\$26,399
070-430-F683	Reimburse Development for Improvements	(\$12,900)
070-430-F682	Pavement Maintenance	(\$1,500)
Revenues		
070-510-9510-4054	Alley Improvement Reimbursement	\$11,999

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 June, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-354

A RESOLUTION REJECTING BIDS FOR CONSTRUCTION MATERIALS TESTING, OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 3, 1996, AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, bids received for construction materials testing, were opened on June 3, 1996; 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 resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for construction materials testing, opened in the office of the City Clerk on June 3, 1996, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for construction materials testing to be opened July 8, 1996, at 11:00 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-355

A RESOLUTION ACCEPTING THE BID OF BRANNON TIRE FOR ANNUAL TIRE RECAPPING SERVICES FOR \$25,160.00 FOR FISCAL YEAR 1996-97, WITH TWO ONE-YEAR EXTENSIONS

WHEREAS, Resolution No. 96-215, adopted by the Council of the City of Modesto on May 7, 1996, authorized the calling for bids for Annual tire Recapping Services; and

WHEREAS, the bids received for Annual Tire Recapping were opened at 2:10 p.m. on May 28, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Brannon Tire be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$25,160.00 for fiscal year 1996-97, with two one-year extensions for a total of \$77,040.00 from Brannon Tire be accepted and the execution 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 25th day of June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-356

A RESOLUTION ACCEPTING THE BID OF U.S. ELEVATOR FOR ELEVATOR MAINTENANCE SERVICES FOR \$22,746 FOR FISCAL YEAR 1996-97, WITH TWO ONE-YEAR EXTENSIONS

WHEREAS, Resolution No. 96-214, adopted by the Council of the City of Modesto on May 7, 1996, authorized the calling for bids for Elevator Maintenance Service; and

WHEREAS, the bids received for Elevator Maintenance Services were opened at 2:00 p.m. on May 28, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of U.S. Elevator be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of U.S. Elevator for \$22,476.00 for fiscal year 1996-97, with two one-year extensions for a total of \$74,712.00 be accepted and the execution of 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 25th day of June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-357

A RESOLUTION ACCEPTING THE BIDS OF CONTINENTAL LANDSCAPE AND GROVER LANDSCAPE SERVICE FOR LANDSCAPE MAINTENANCE SERVICES AT VARIOUS CITY LOCATIONS FOR \$92,520.00 FOR FISCAL YEAR 1996-97, WITH TWO ONE-YEAR EXTENSIONS

WHEREAS, Resolution No. 96-210, adopted by the Council of the City of Modesto on May 7, 1996, authorized the calling for bids for Landscape Maintenance at Various Locations; and

WHEREAS, the bids received for landscape maintenance at various locations were opened at 11:10 a.m. on June 4, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bids of Continental Landscape and Grover Landscape Service be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Continental Landscape and Grover Landscape Service for a combined total cost of \$92,520.00 for fiscal year 1996-97, with two one-year extensions for a combined total of \$282,972.00 be accepted and the execution of formal purchase orders 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 June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-358

A RESOLUTION ACCEPTING THE BID OF SEMCO FOR REMOVAL OF A BELOW GROUND FUEL TANK FOR \$9,975.00 AND DONLEE PUMP FOR INSTALLATION OF AN ABOVE GROUND UNLEADED FUEL TANK FOR \$19,409.00

WHEREAS, Resolution No. 96-216, adopted by the Council of the City of Modesto on May 7, 1996, authorized the calling for bids for Removal of Below Ground Fuel Tank, Purchase and Installation of Above Ground Unleaded Fuel Tank; and

WHEREAS, the bids received for Removal of Below Ground Fuel Tank, Purchase and Installation of Above Ground Unleaded Fuel Tank were opened at 11:10 a.m. on June 11, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Semco for removal of a below ground fuel tank for \$9,975.00 and Donlee Pump for purchase and installation of above ground tank for \$19,409.00 be accepted as the lowest responsible bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Semco and Donlee Pump 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 June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-359

A RESOLUTION ACCEPTING THE BID OF ALL PURE CHEMICAL AS THE SOLE BIDDER FOR PURCHASE OF LIQUID CHLORINE FOR \$378,543.00 FOR FISCAL YEAR 1996-97, WITH TWO ONE-YEAR EXTENSIONS

WHEREAS, Resolution No. 96-271, adopted by the Council of the City of Modesto on May 21, 1996, authorized the calling for bids for purchase of liquid chlorine; and

WHEREAS, the bids received for purchase of liquid chlorine were opened at 2:00 p.m. on June 3, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of All Pure Chemical for \$378,543 for fiscal year 1996-97, with two one-year extensions for a total cost of \$1,202,529.00 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of All Pure Chemical be accepted and the execution 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 25th day of June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-360

A RESOLUTION ACCEPTING THE BIDS OF MCCAIN TRAFFIC SUPPLY AND INTERSECTION DEVELOPMENT CORPORATION FOR PURCHASE OF TRAFFIC SIGNAL ACCESSORIES FOR A COMBINED TOTAL COST OF \$51,238.30

WHEREAS, Resolution No. 96-273, adopted by the Council of the City of Modesto on May 21, 1996, authorized the calling for bids for Purchase of Traffic Signal Accessories; and

WHEREAS, the bids received for Purchase of Traffic Signal Accessories were opened at 11:00 a.m. on June 12, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bids of McCain Traffic Supply and Intersection Development Corporation be accepted as the lowest responsible bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of McCain Traffic Supply and Intersection Development Corporation for a combined total cost of \$51,238.30 be accepted and the execution of formal purchase orders 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 June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-361

A RESOLUTION ACCEPTING THE BID OF PACIFIC UTILITY EQUIPMENT COMPANY FOR PURCHASE OF ONE NEW CAB AND CHASSIS WITH AERIAL LIFT FOR THE TOTAL COST OF \$68,367.45

WHEREAS, Resolution No. 96-209, adopted by the Council of the City of Modesto on May 7, 1996, authorized the calling for bids for Purchase of One New Cab and Chassis with Aerial Lift; and

WHEREAS, the bids received for purchase of one new cab and chassis with aerial lift were opened at 11:05 a.m. on May 29, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Pacific Utility Equipment Company for \$68,367.45 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pacific Utility Equipment Company be accepted and the execution 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 25th day of June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 96-362**

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR THE PURCHASE OF A CAB AND CHASSIS.

WHEREAS, funding for this vehicle was originally made available in two separate accounts, 720-480-5814-5285, Electrician's Truck \$40,000; and 621-480-F729-6070 Mounted Manlift for an Electrician's Van \$23,000. After the budget was adopted, it was determined that a Cab and Chassis with an aerial lift would be more effective and beneficial for the services require which is mostly SCADA system support.

WHEREAS, in order to purchase the Cab and Chassis, an additional \$6,500 is required. These funds need to be provided from the Wastewater Fund and transferred to the Fleet Management Fund.

WHEREAS, the following adjustments are necessary:

Wastewater Fund

Fund/Agy/Org		Increase (Decrease)
Expenditures		
621-700-7000-7720	Transfer out to Fleet Mangement Fund	\$6,500
621-480-5213-0312	Chemicals and Laboratory Supplies	(\$6,500)

Fleet Management Fund

Fund/Agy/Org		Increase (Decrease)
Revenues		
720-700-7000-9621	Transfer in from Fund 621	\$6,500
Expenditures		
720-480-5814-5285	Electrician's Truck	\$6,500

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 25th day of June, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-363

A RESOLUTION ACCEPTING THE PROJECT TITLED "SIDEWALK REPAIRS - 1995" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Sidewalk Repairs - 1995, has been completed by D&L Concrete Pumping Inc., in accordance with the contract agreement dated November 7, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Sidewalk Repairs - 1995 be accepted from said contractor, D&L Concrete Pumping Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$102,718.05 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 25th day of June, 1996, 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, McKinsey, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 96-364

A RESOLUTION PROVIDING FOR THE SALE OF
SURPLUS PROPERTY BY SEALED BID, PUBLIC
AUCTION, NEGOTIATION, 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 fourteen (14) pieces of
golf course sprinkler equipment which has been placed into
surplus as a result of privatization of maintenance of the City's
golf courses, 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, 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 through negotiations,
and

WHEREAS, if the sealed bid process, the public auction
or the negotiation process does 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 by sealed bid and/or 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 fourteen (14) pieces of golf course sprinkler equipment, 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 through negotiations, and

SECTION 5. If said property cannot be sold on a sealed bid process, at a public auction, or through negotiations as provided for above, 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 25th day of June, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-365

A RESOLUTION DIRECTING THE CITY MANAGER TO INITIATE STEPS LEADING TO THE REHABILITATION OF JOHN THURMAN FIELD AND TO NEGOTIATE AGREEMENTS, SUBJECT TO SPECIFIED PARAMETERS.

WHEREAS, after considerable study of various options for a baseball stadium/field, including the feasibility of new stadium construction in several locations in and around the City, the option to rehabilitate Thurman Field has been selected, pursuant to a report to the Council dated June 19, 1996, from the Parks and Recreation Department, and

WHEREAS, pursuant to said report, City staff recommended to the Council that the City Manager be directed to initiate steps leading to the rehabilitation of John Thurman Field and to negotiate agreements with the Modesto A's for its long-term use for professional baseball, consistent with certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby directed to initiate steps leading to the rehabilitation of John Thurman Field and to negotiate agreements with the Modesto A's for its long-term use for professional baseball, consistent with the following conditions:

1. The City share of capital costs be limited to \$3 million, with any additional capital costs paid by the Modesto A's.

2. The Modesto A's receive commitments from the Oakland A's and the California League of Professional Baseball to support player development in Modesto.
3. That the financing structure and construction approach be designed to minimize the capital and debt financing costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

RESCINDED

JUN 26, 1997

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO. 97-275

MODESTO CITY COUNCIL
RESOLUTION NO. 96-366

A RESOLUTION GRANTING A SALARY INCREASE TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING COUNCIL APPOINTEES, AND RESCINDING RESOLUTION NOS. 95-310, 95-381, 95-530, AND 95-549.

WHEREAS, pursuant to Resolution No. 95-530 which became effective on November 7, 1995, the Council amended 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 two (2%) percent salary increase for unrepresented Management and Confidential employees, and

WHEREAS, the Council desires to approve a two (2%) percent salary increase for Council Appointees, and

WHEREAS, the Council desires to approve a two (2%) percent 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 25, 1996, to provide for a two (2%) percent salary adjustment for unrepresented Management and Confidential employees and a two

(2%) percent salary adjustment for Council Appointees:

1. Exhibit "A" entitled "City of Modesto Class Range Table, Management and Confidential Non-Sworn Classes, Effective June 25, 1996".
2. Exhibit "B" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 96/97, Effective June 25, 1996 - Schedule D Management/Confidential - General".
3. Exhibit "C" entitled "City of Modesto Class Range Table, Fire Management Classes, Effective June 25, 1996".
4. Exhibit "D" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 96/97, Effective June 25, 1996 - Schedule E Management/Confidential - Fire".
5. Exhibit "E" entitled "City of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective June 25, 1996".
6. Exhibit "F" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 96/97, Effective June 25, 1996 - Schedule G Management/Confidential - Police (Unrepresented)".
7. Exhibit "G" entitled "City of Modesto Class Range Table, Executive Management, Effective June 25, 1996", which includes Council Appointees.
8. Exhibit "H" entitled "City of Modesto Schedule of Salary Ranges in City Service for FY 96/97, Effective June 25, 1996 - Executive Management".

SECTION 2. COUNCIL APPOINTEES. Effective June 25, 1996, the salaries for the positions of the Council Appointees shall be as follows:

<u>TITLES</u>	<u>HOURLY</u>	<u>BI-WEEKLY</u>	<u>MONTHLY</u>
City Manager	\$49.1235	\$3,929.88	\$8,547.48
City Attorney	\$48.2167	\$3,857.33	\$8,389.70
City Clerk	\$25.3398	\$2,027.18	\$4,409.12

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. REPEAL. Resolution Nos. 95-310, 95-381, 95-530, and 95-549 are hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McKinsey

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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

Effective June 25, 1996

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	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Systems Analyst
Custodian Supervisor

424 Assistant Planner
Asst. City Clerk/Auditor

425 Administrative Analyst I
Executive Assistant
Legal Services Supervisor

426 Stores Manager
Museum Supervisor

427 Events Supervisor

428 Parks Maintenance Supervisor I
Airport Maintenance Supervisor
Trees Maintenance Supervisor I
Equipment Maintenance Supervisor I
Social Services Coordinator
Buyer
Accountant II
Budget Analyst
Public Works Supervisor I
Building Maintenance Supervisor
Customer Services Specialist

429

430 Associate Planner
Parks Construction Supervisor I
Junior Civil Engineer
Junior Traffic Engineer
Neighborhood Preservation Supervisor

431 Administrative Analyst II
Affirmative Action Officer
Personnel Analyst
Training Coordinator
Assistant Risk Manager
Recycling Program Coordinator
Senior Budget Analyst

432 Plant Mechanic Supervisor
Recreation Supervisor II
Historical Buildings Supervisor
Senior Accountant
Youth Program Supervisor
Industrial Waste Supervisor

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

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

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

441 Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Superintendent
Parks Operations Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Fleet Manager
Urban Forestry Superintendent
Wastewater Collections Superintendent
Water Superintendent
Building Maintenance Superintendent
Police Records Manager
Fire Marshal
Golf Services Manager

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

443 Deputy Chief Bldg. Official

444 General Services Manager
Water Quality Control Supt.
Principal Planner

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

446 Senior Civil Engineer
Traffic Engineer

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

448 Sr. Deputy City Attorney II

449

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

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

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
EFFECTIVE 6/25/96

SCHEDULE - D
 MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY

0.0200

Range	1	2	3	4	5	6	7	8	9
0401	9.2469	9.4781	9.7151	9.9580	10.2070	10.4622	10.7238	10.9919	11.2667
0402	9.4781	9.7151	9.9580	10.2070	10.4622	10.7238	10.9919	11.2667	11.5484
0403	9.7151	9.9580	10.2070	10.4622	10.7238	10.9919	11.2667	11.5484	11.8371
0404	9.9580	10.2070	10.4622	10.7238	10.9919	11.2667	11.5484	11.8371	12.1330
0405	10.2070	10.4622	10.7238	10.9919	11.2667	11.5484	11.8371	12.1330	12.4363
0406	10.4622	10.7238	10.9919	11.2667	11.5484	11.8371	12.1330	12.4363	12.7472
0407	10.7238	10.9919	11.2667	11.5484	11.8371	12.1330	12.4363	12.7472	13.0659
0408	10.9919	11.2667	11.5484	11.8371	12.1330	12.4363	12.7472	13.0659	13.3925
0409	11.2667	11.5484	11.8371	12.1330	12.4363	12.7472	13.0659	13.3925	13.7273
0410	11.5484	11.8371	12.1330	12.4363	12.7472	13.0659	13.3925	13.7273	14.0705
0411	11.8371	12.1330	12.4363	12.7472	13.0659	13.3925	13.7273	14.0705	14.4223
0412	12.1330	12.4363	12.7472	13.0659	13.3925	13.7273	14.0705	14.4223	14.7829
0413	12.4363	12.7472	13.0659	13.3925	13.7273	14.0705	14.4223	14.7829	15.1525
0414	12.7472	13.0659	13.3925	13.7273	14.0705	14.4223	14.7829	15.1525	15.5313

BY-WEEKLY	1	2	3	4	5	6	7	8	9
0401	739.75	758.25	777.21	796.64	816.56	836.98	857.90	879.35	901.34
0402	758.25	777.21	796.64	816.56	836.98	857.90	879.35	901.34	923.87
0403	777.21	796.64	816.56	836.98	857.90	879.35	901.34	923.87	946.97
0404	796.64	816.56	836.98	857.90	879.35	901.34	923.87	946.97	970.64
0405	816.56	836.98	857.90	879.35	901.34	923.87	946.97	970.64	994.90
0406	836.98	857.90	879.35	901.34	923.87	946.97	970.64	994.90	1,019.78
0407	857.90	879.35	901.34	923.87	946.97	970.64	994.90	1,019.78	1,045.27
0408	879.35	901.34	923.87	946.97	970.64	994.90	1,019.78	1,045.27	1,071.40
0409	901.34	923.87	946.97	970.64	994.90	1,019.78	1,045.27	1,071.40	1,098.18
0410	923.87	946.97	970.64	994.90	1,019.78	1,045.27	1,071.40	1,098.18	1,125.64
0411	946.97	970.64	994.90	1,019.78	1,045.27	1,071.40	1,098.18	1,125.64	1,153.78
0412	970.64	994.90	1,019.78	1,045.27	1,071.40	1,098.18	1,125.64	1,153.78	1,182.63
0413	994.90	1,019.78	1,045.27	1,071.40	1,098.18	1,125.64	1,153.78	1,182.63	1,212.20
0414	1,019.78	1,045.27	1,071.40	1,098.18	1,125.64	1,153.78	1,182.63	1,212.20	1,242.50

MONTHLY	1	2	3	4	5	6	7	8	9
0401	1,608.96	1,649.19	1,690.43	1,732.69	1,776.02	1,820.43	1,865.93	1,912.59	1,960.41
0402	1,649.19	1,690.43	1,732.69	1,776.02	1,820.43	1,865.93	1,912.59	1,960.41	2,009.42
0403	1,690.43	1,732.69	1,776.02	1,820.43	1,865.93	1,912.59	1,960.41	2,009.42	2,059.66
0404	1,732.69	1,776.02	1,820.43	1,865.93	1,912.59	1,960.41	2,009.42	2,059.66	2,111.14
0405	1,776.02	1,820.43	1,865.93	1,912.59	1,960.41	2,009.42	2,059.66	2,111.14	2,163.91
0406	1,820.43	1,865.93	1,912.59	1,960.41	2,009.42	2,059.66	2,111.14	2,163.91	2,218.02
0407	1,865.93	1,912.59	1,960.41	2,009.42	2,059.66	2,111.14	2,163.91	2,218.02	2,273.46
0408	1,912.59	1,960.41	2,009.42	2,059.66	2,111.14	2,163.91	2,218.02	2,273.46	2,330.30
0409	1,960.41	2,009.42	2,059.66	2,111.14	2,163.91	2,218.02	2,273.46	2,330.30	2,388.54
0410	2,009.42	2,059.66	2,111.14	2,163.91	2,218.02	2,273.46	2,330.30	2,388.54	2,448.27
0411	2,059.66	2,111.14	2,163.91	2,218.02	2,273.46	2,330.30	2,388.54	2,448.27	2,509.47
0412	2,111.14	2,163.91	2,218.02	2,273.46	2,330.30	2,388.54	2,448.27	2,509.47	2,572.22
0413	2,163.91	2,218.02	2,273.46	2,330.30	2,388.54	2,448.27	2,509.47	2,572.22	2,636.54
0414	2,218.02	2,273.46	2,330.30	2,388.54	2,448.27	2,509.47	2,572.22	2,636.54	2,702.44

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
EFFECTIVE 6/25/96

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY

0.0200

Range	1	2	3	4	5	6	7	8	9
0415	13.0659	13.3925	13.7273	14.0705	14.4223	14.7829	15.1525	15.5313	15.9196
0416	13.3925	13.7273	14.0705	14.4223	14.7829	15.1525	15.5313	15.9196	16.3176
0417	13.7273	14.0705	14.4223	14.7829	15.1525	15.5313	15.9196	16.3176	16.7255
0418	14.0705	14.4223	14.7829	15.1525	15.5313	15.9196	16.3176	16.7255	17.1436
0419	14.4223	14.7829	15.1525	15.5313	15.9196	16.3176	16.7255	17.1436	17.5722
0420	14.7829	15.1525	15.5313	15.9196	16.3176	16.7255	17.1436	17.5722	18.0115
0421	15.1525	15.5313	15.9196	16.3176	16.7255	17.1436	17.5722	18.0115	18.4618
0422	15.5313	15.9196	16.3176	16.7255	17.1436	17.5722	18.0115	18.4618	18.9233
0423	15.9196	16.3176	16.7255	17.1436	17.5722	18.0115	18.4618	18.9233	19.3964
0424	16.3176	16.7255	17.1436	17.5722	18.0115	18.4618	18.9233	19.3964	19.8813
0425	16.7255	17.1436	17.5722	18.0115	18.4618	18.9233	19.3964	19.8813	20.3783
0426	17.1436	17.5722	18.0115	18.4618	18.9233	19.3964	19.8813	20.3783	20.8878
0427	17.5722	18.0115	18.4618	18.9233	19.3964	19.8813	20.3783	20.8878	21.4100
0428	18.0115	18.4618	18.9233	19.3964	19.8813	20.3783	20.8878	21.4100	21.9453

BY-WEEKLY

	1	2	3	4	5	6	7	8	9
0415	1,045.27	1,071.40	1,098.18	1,125.64	1,153.78	1,182.63	1,212.20	1,242.50	1,273.57
0416	1,071.40	1,098.18	1,125.64	1,153.78	1,182.63	1,212.20	1,242.50	1,273.57	1,305.41
0417	1,098.18	1,125.64	1,153.78	1,182.63	1,212.20	1,242.50	1,273.57	1,305.41	1,338.04
0418	1,125.64	1,153.78	1,182.63	1,212.20	1,242.50	1,273.57	1,305.41	1,338.04	1,371.49
0419	1,153.78	1,182.63	1,212.20	1,242.50	1,273.57	1,305.41	1,338.04	1,371.49	1,405.78
0420	1,182.63	1,212.20	1,242.50	1,273.57	1,305.41	1,338.04	1,371.49	1,405.78	1,440.92
0421	1,212.20	1,242.50	1,273.57	1,305.41	1,338.04	1,371.49	1,405.78	1,440.92	1,476.94
0422	1,242.50	1,273.57	1,305.41	1,338.04	1,371.49	1,405.78	1,440.92	1,476.94	1,513.86
0423	1,273.57	1,305.41	1,338.04	1,371.49	1,405.78	1,440.92	1,476.94	1,513.86	1,551.71
0424	1,305.41	1,338.04	1,371.49	1,405.78	1,440.92	1,476.94	1,513.86	1,551.71	1,590.50
0425	1,338.04	1,371.49	1,405.78	1,440.92	1,476.94	1,513.86	1,551.71	1,590.50	1,630.26
0426	1,371.49	1,405.78	1,440.92	1,476.94	1,513.86	1,551.71	1,590.50	1,630.26	1,671.02
0427	1,405.78	1,440.92	1,476.94	1,513.86	1,551.71	1,590.50	1,630.26	1,671.02	1,712.80
0428	1,440.92	1,476.94	1,513.86	1,551.71	1,590.50	1,630.26	1,671.02	1,712.80	1,755.62

MONTHLY

	1	2	3	4	5	6	7	8	9
0415	2,273.46	2,330.30	2,388.54	2,448.27	2,509.47	2,572.22	2,636.54	2,702.44	2,770.01
0416	2,330.30	2,388.54	2,448.27	2,509.47	2,572.22	2,636.54	2,702.44	2,770.01	2,839.27
0417	2,388.54	2,448.27	2,509.47	2,572.22	2,636.54	2,702.44	2,770.01	2,839.27	2,910.24
0418	2,448.27	2,509.47	2,572.22	2,636.54	2,702.44	2,770.01	2,839.27	2,910.24	2,982.99
0419	2,509.47	2,572.22	2,636.54	2,702.44	2,770.01	2,839.27	2,910.24	2,982.99	3,057.57
0420	2,572.22	2,636.54	2,702.44	2,770.01	2,839.27	2,910.24	2,982.99	3,057.57	3,134.00
0421	2,636.54	2,702.44	2,770.01	2,839.27	2,910.24	2,982.99	3,057.57	3,134.00	3,212.34
0422	2,702.44	2,770.01	2,839.27	2,910.24	2,982.99	3,057.57	3,134.00	3,212.34	3,292.65
0423	2,770.01	2,839.27	2,910.24	2,982.99	3,057.57	3,134.00	3,212.34	3,292.65	3,374.97
0424	2,839.27	2,910.24	2,982.99	3,057.57	3,134.00	3,212.34	3,292.65	3,374.97	3,459.34
0425	2,910.24	2,982.99	3,057.57	3,134.00	3,212.34	3,292.65	3,374.97	3,459.34	3,545.82
0426	2,982.99	3,057.57	3,134.00	3,212.34	3,292.65	3,374.97	3,459.34	3,545.82	3,634.47
0427	3,057.57	3,134.00	3,212.34	3,292.65	3,374.97	3,459.34	3,545.82	3,634.47	3,725.34
0428	3,134.00	3,212.34	3,292.65	3,374.97	3,459.34	3,545.82	3,634.47	3,725.34	3,818.47

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
EFFECTIVE 6/25/96

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY

0.0200

Range	1	2	3	4	5	6	7	8	9
0429	18.4618	18.9233	19.3964	19.8813	20.3783	20.8878	21.4100	21.9453	22.4939
0430	18.9233	19.3964	19.8813	20.3783	20.8878	21.4100	21.9453	22.4939	23.0562
0431	19.3964	19.8813	20.3783	20.8878	21.4100	21.9453	22.4939	23.0562	23.6326
0432	19.8813	20.3783	20.8878	21.4100	21.9453	22.4939	23.0562	23.6326	24.2234
0433	20.3783	20.8878	21.4100	21.9453	22.4939	23.0562	23.6326	24.2234	24.8290
0434	20.8878	21.4100	21.9453	22.4939	23.0562	23.6326	24.2234	24.8290	25.4497
0435	21.4100	21.9453	22.4939	23.0562	23.6326	24.2234	24.8290	25.4497	26.0859
0436	21.9453	22.4939	23.0562	23.6326	24.2234	24.8290	25.4497	26.0859	26.7380
0437	22.4939	23.0562	23.6326	24.2234	24.8290	25.4497	26.0859	26.7380	27.4065
0438	23.0562	23.6326	24.2234	24.8290	25.4497	26.0859	26.7380	27.4065	28.0917
0439	23.6326	24.2234	24.8290	25.4497	26.0859	26.7380	27.4065	28.0917	28.7940
0440	24.2234	24.8290	25.4497	26.0859	26.7380	27.4065	28.0917	28.7940	29.5139
0441	24.8290	25.4497	26.0859	26.7380	27.4065	28.0917	28.7940	29.5139	30.2517
0442	25.4497	26.0859	26.7380	27.4065	28.0917	28.7940	29.5139	30.2517	31.0080

BY-WEEKLY

	1	2	3	4	5	6	7	8	9
0429	1,476.94	1,513.86	1,551.71	1,590.50	1,630.26	1,671.02	1,712.80	1,755.62	1,799.51
0430	1,513.86	1,551.71	1,590.50	1,630.26	1,671.02	1,712.80	1,755.62	1,799.51	1,844.50
0431	1,551.71	1,590.50	1,630.26	1,671.02	1,712.80	1,755.62	1,799.51	1,844.50	1,890.61
0432	1,590.50	1,630.26	1,671.02	1,712.80	1,755.62	1,799.51	1,844.50	1,890.61	1,937.87
0433	1,630.26	1,671.02	1,712.80	1,755.62	1,799.51	1,844.50	1,890.61	1,937.87	1,986.32
0434	1,671.02	1,712.80	1,755.62	1,799.51	1,844.50	1,890.61	1,937.87	1,986.32	2,035.98
0435	1,712.80	1,755.62	1,799.51	1,844.50	1,890.61	1,937.87	1,986.32	2,035.98	2,086.87
0436	1,755.62	1,799.51	1,844.50	1,890.61	1,937.87	1,986.32	2,035.98	2,086.87	2,139.04
0437	1,799.51	1,844.50	1,890.61	1,937.87	1,986.32	2,035.98	2,086.87	2,139.04	2,192.52
0438	1,844.50	1,890.61	1,937.87	1,986.32	2,035.98	2,086.87	2,139.04	2,192.52	2,247.34
0439	1,890.61	1,937.87	1,986.32	2,035.98	2,086.87	2,139.04	2,192.52	2,247.34	2,303.52
0440	1,937.87	1,986.32	2,035.98	2,086.87	2,139.04	2,192.52	2,247.34	2,303.52	2,361.11
0441	1,986.32	2,035.98	2,086.87	2,139.04	2,192.52	2,247.34	2,303.52	2,361.11	2,420.14
0442	2,035.98	2,086.87	2,139.04	2,192.52	2,247.34	2,303.52	2,361.11	2,420.14	2,480.64

MONTHLY

	1	2	3	4	5	6	7	8	9
0429	3,212.34	3,292.65	3,374.97	3,459.34	3,545.82	3,634.47	3,725.34	3,818.47	3,913.93
0430	3,292.65	3,374.97	3,459.34	3,545.82	3,634.47	3,725.34	3,818.47	3,913.93	4,011.79
0431	3,374.97	3,459.34	3,545.82	3,634.47	3,725.34	3,818.47	3,913.93	4,011.79	4,112.08
0432	3,459.34	3,545.82	3,634.47	3,725.34	3,818.47	3,913.93	4,011.79	4,112.08	4,214.87
0433	3,545.82	3,634.47	3,725.34	3,818.47	3,913.93	4,011.79	4,112.08	4,214.87	4,320.25
0434	3,634.47	3,725.34	3,818.47	3,913.93	4,011.79	4,112.08	4,214.87	4,320.25	4,428.26
0435	3,725.34	3,818.47	3,913.93	4,011.79	4,112.08	4,214.87	4,320.25	4,428.26	4,538.94
0436	3,818.47	3,913.93	4,011.79	4,112.08	4,214.87	4,320.25	4,428.26	4,538.94	4,652.41
0437	3,913.93	4,011.79	4,112.08	4,214.87	4,320.25	4,428.26	4,538.94	4,652.41	4,768.73
0438	4,011.79	4,112.08	4,214.87	4,320.25	4,428.26	4,538.94	4,652.41	4,768.73	4,887.96
0439	4,112.08	4,214.87	4,320.25	4,428.26	4,538.94	4,652.41	4,768.73	4,887.96	5,010.16
0440	4,214.87	4,320.25	4,428.26	4,538.94	4,652.41	4,768.73	4,887.96	5,010.16	5,135.41
0441	4,320.25	4,428.26	4,538.94	4,652.41	4,768.73	4,887.96	5,010.16	5,135.41	5,263.80
0442	4,428.26	4,538.94	4,652.41	4,768.73	4,887.96	5,010.16	5,135.41	5,263.80	5,395.39

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
EFFECTIVE 6/25/96

SCHEDULE - D
MANAGEMENT/CONFIDENTIAL GENERAL

HOURLY

0.0200

Range	1	2	3	4	5	6	7	8	9
0443	26.0859	26.7380	27.4065	28.0917	28.7940	29.5139	30.2517	31.0080	31.7832
0444	26.7380	27.4065	28.0917	28.7940	29.5139	30.2517	31.0080	31.7832	32.5778
0445	27.4065	28.0917	28.7940	29.5139	30.2517	31.0080	31.7832	32.5778	33.3922
0446	28.0917	28.7940	29.5139	30.2517	31.0080	31.7832	32.5778	33.3922	34.2270
0447	28.7940	29.5139	30.2517	31.0080	31.7832	32.5778	33.3922	34.2270	35.0827
0448	29.5139	30.2517	31.0080	31.7832	32.5778	33.3922	34.2270	35.0827	35.9598
0449	30.2517	31.0080	31.7832	32.5778	33.3922	34.2270	35.0827	35.9598	36.8588
0450	31.0080	31.7832	32.5778	33.3922	34.2270	35.0827	35.9598	36.8588	37.7803
0451	31.7832	32.5778	33.3922	34.2270	35.0827	35.9598	36.8588	37.7803	38.7248
0452	32.5778	33.3922	34.2270	35.0827	35.9598	36.8588	37.7803	38.7248	39.6929
0453	33.3922	34.2270	35.0827	35.9598	36.8588	37.7803	38.7248	39.6929	40.6852
0454	34.2270	35.0827	35.9598	36.8588	37.7803	38.7248	39.6929	40.6852	41.7023
0455	35.0827	35.9598	36.8588	37.7803	38.7248	39.6929	40.6852	41.7023	42.7449
0456	35.9598	36.8588	37.7803	38.7248	39.6929	40.6852	41.7023	42.7449	43.8135

BY-WEEKLY

	1	2	3	4	5	6	7	8	9
0443	2,086.87	2,139.04	2,192.52	2,247.34	2,303.52	2,361.11	2,420.14	2,480.64	2,542.66
0444	2,139.04	2,192.52	2,247.34	2,303.52	2,361.11	2,420.14	2,480.64	2,542.66	2,606.22
0445	2,192.52	2,247.34	2,303.52	2,361.11	2,420.14	2,480.64	2,542.66	2,606.22	2,671.38
0446	2,247.34	2,303.52	2,361.11	2,420.14	2,480.64	2,542.66	2,606.22	2,671.38	2,738.16
0447	2,303.52	2,361.11	2,420.14	2,480.64	2,542.66	2,606.22	2,671.38	2,738.16	2,806.62
0448	2,361.11	2,420.14	2,480.64	2,542.66	2,606.22	2,671.38	2,738.16	2,806.62	2,876.78
0449	2,420.14	2,480.64	2,542.66	2,606.22	2,671.38	2,738.16	2,806.62	2,876.78	2,948.70
0450	2,480.64	2,542.66	2,606.22	2,671.38	2,738.16	2,806.62	2,876.78	2,948.70	3,022.42
0451	2,542.66	2,606.22	2,671.38	2,738.16	2,806.62	2,876.78	2,948.70	3,022.42	3,097.98
0452	2,606.22	2,671.38	2,738.16	2,806.62	2,876.78	2,948.70	3,022.42	3,097.98	3,175.43
0453	2,671.38	2,738.16	2,806.62	2,876.78	2,948.70	3,022.42	3,097.98	3,175.43	3,254.82
0454	2,738.16	2,806.62	2,876.78	2,948.70	3,022.42	3,097.98	3,175.43	3,254.82	3,336.18
0455	2,806.62	2,876.78	2,948.70	3,022.42	3,097.98	3,175.43	3,254.82	3,336.18	3,419.59
0456	2,876.78	2,948.70	3,022.42	3,097.98	3,175.43	3,254.82	3,336.18	3,419.59	3,505.08

MONTHLY

	1	2	3	4	5	6	7	8	9
0443	4,538.94	4,652.41	4,768.73	4,887.96	5,010.16	5,135.41	5,263.80	5,395.39	5,530.29
0444	4,652.41	4,768.73	4,887.96	5,010.16	5,135.41	5,263.80	5,395.39	5,530.29	5,668.53
0445	4,768.73	4,887.96	5,010.16	5,135.41	5,263.80	5,395.39	5,530.29	5,668.53	5,810.25
0446	4,887.96	5,010.16	5,135.41	5,263.80	5,395.39	5,530.29	5,668.53	5,810.25	5,955.50
0447	5,010.16	5,135.41	5,263.80	5,395.39	5,530.29	5,668.53	5,810.25	5,955.50	6,104.40
0448	5,135.41	5,263.80	5,395.39	5,530.29	5,668.53	5,810.25	5,955.50	6,104.40	6,257.00
0449	5,263.80	5,395.39	5,530.29	5,668.53	5,810.25	5,955.50	6,104.40	6,257.00	6,413.42
0450	5,395.39	5,530.29	5,668.53	5,810.25	5,955.50	6,104.40	6,257.00	6,413.42	6,573.76
0451	5,530.29	5,668.53	5,810.25	5,955.50	6,104.40	6,257.00	6,413.42	6,573.76	6,738.11
0452	5,668.53	5,810.25	5,955.50	6,104.40	6,257.00	6,413.42	6,573.76	6,738.11	6,906.56
0453	5,810.25	5,955.50	6,104.40	6,257.00	6,413.42	6,573.76	6,738.11	6,906.56	7,079.23
0454	5,955.50	6,104.40	6,257.00	6,413.42	6,573.76	6,738.11	6,906.56	7,079.23	7,256.19
0455	6,104.40	6,257.00	6,413.42	6,573.76	6,738.11	6,906.56	7,079.23	7,256.19	7,437.61
0456	6,257.00	6,413.42	6,573.76	6,738.11	6,906.56	7,079.23	7,256.19	7,437.61	7,623.55

CITY OF MODESTO
CLASS RANGE TABLE
FIRE MANAGEMENT CLASSES

Effective June 25, 1996

RANGE	TITLE
512	Fire Battalion Chief
513	
514	
515	
516	
517	Fire Division Chief

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
EFFECTIVE 6/25/96

SCHEDULE - E
MANAGEMENT/CONFIDENTIAL FIRE

HOURLY Range	HOURLY								2.00%
	1	2	3	4	5	6	7	8	9
0501	20.9828	21.5074	22.0451	22.5962	23.1611	23.7401	24.3336	24.9419	25.5654
0502	21.5074	22.0451	22.5962	23.1611	23.7401	24.3336	24.9419	25.5654	26.2045
0503	22.0451	22.5962	23.1611	23.7401	24.3336	24.9419	25.5654	26.2045	26.8596
0504	22.5962	23.1611	23.7401	24.3336	24.9419	25.5654	26.2045	26.8596	27.5311
0505	23.1611	23.7401	24.3336	24.9419	25.5654	26.2045	26.8596	27.5311	28.2194
0506	23.7401	24.3336	24.9419	25.5654	26.2045	26.8596	27.5311	28.2194	28.9249
0507	24.3336	24.9419	25.5654	26.2045	26.8596	27.5311	28.2194	28.9249	29.6480
0508	24.9419	25.5654	26.2045	26.8596	27.5311	28.2194	28.9249	29.6480	30.3892
0509	25.5654	26.2045	26.8596	27.5311	28.2194	28.9249	29.6480	30.3892	31.1489
0510	26.2045	26.8596	27.5311	28.2194	28.9249	29.6480	30.3892	31.1489	31.9276
0511	26.8596	27.5311	28.2194	28.9249	29.6480	30.3892	31.1489	31.9276	32.7258
0512	27.5311	28.2194	28.9249	29.6480	30.3892	31.1489	31.9276	32.7258	33.5439
0513	28.2194	28.9249	29.6480	30.3892	31.1489	31.9276	32.7258	33.5439	34.3825
0514	28.9249	29.6480	30.3892	31.1489	31.9276	32.7258	33.5439	34.3825	35.2421
BY-WEEKLY	1	2	3	4	5	6	7	8	9
0501	1,678.62	1,720.59	1,763.61	1,807.70	1,852.89	1,899.21	1,946.69	1,995.35	2,045.23
0502	1,720.59	1,763.61	1,807.70	1,852.89	1,899.21	1,946.69	1,995.35	2,045.23	2,096.36
0503	1,763.61	1,807.70	1,852.89	1,899.21	1,946.69	1,995.35	2,045.23	2,096.36	2,148.77
0504	1,807.70	1,852.89	1,899.21	1,946.69	1,995.35	2,045.23	2,096.36	2,148.77	2,202.49
0505	1,852.89	1,899.21	1,946.69	1,995.35	2,045.23	2,096.36	2,148.77	2,202.49	2,257.55
0506	1,899.21	1,946.69	1,995.35	2,045.23	2,096.36	2,148.77	2,202.49	2,257.55	2,313.99
0507	1,946.69	1,995.35	2,045.23	2,096.36	2,148.77	2,202.49	2,257.55	2,313.99	2,371.84
0508	1,995.35	2,045.23	2,096.36	2,148.77	2,202.49	2,257.55	2,313.99	2,371.84	2,431.14
0509	2,045.23	2,096.36	2,148.77	2,202.49	2,257.55	2,313.99	2,371.84	2,431.14	2,491.91
0510	2,096.36	2,148.77	2,202.49	2,257.55	2,313.99	2,371.84	2,431.14	2,491.91	2,554.21
0511	2,148.77	2,202.49	2,257.55	2,313.99	2,371.84	2,431.14	2,491.91	2,554.21	2,618.06
0512	2,202.49	2,257.55	2,313.99	2,371.84	2,431.14	2,491.91	2,554.21	2,618.06	2,683.51
0513	2,257.55	2,313.99	2,371.84	2,431.14	2,491.91	2,554.21	2,618.06	2,683.51	2,750.60
0514	2,313.99	2,371.84	2,431.14	2,491.91	2,554.21	2,618.06	2,683.51	2,750.60	2,819.37
MONTHLY	1	2	3	4	5	6	7	8	9
0501	3,651.00	3,742.28	3,835.85	3,931.75	4,030.04	4,130.78	4,234.05	4,339.89	4,448.38
0502	3,742.28	3,835.85	3,931.75	4,030.04	4,130.78	4,234.05	4,339.89	4,448.38	4,559.58
0503	3,835.85	3,931.75	4,030.04	4,130.78	4,234.05	4,339.89	4,448.38	4,559.58	4,673.57
0504	3,931.75	4,030.04	4,130.78	4,234.05	4,339.89	4,448.38	4,559.58	4,673.57	4,790.42
0505	4,030.04	4,130.78	4,234.05	4,339.89	4,448.38	4,559.58	4,673.57	4,790.42	4,910.17
0506	4,130.78	4,234.05	4,339.89	4,448.38	4,559.58	4,673.57	4,790.42	4,910.17	5,032.93
0507	4,234.05	4,339.89	4,448.38	4,559.58	4,673.57	4,790.42	4,910.17	5,032.93	5,158.75
0508	4,339.89	4,448.38	4,559.58	4,673.57	4,790.42	4,910.17	5,032.93	5,158.75	5,287.73
0509	4,448.38	4,559.58	4,673.57	4,790.42	4,910.17	5,032.93	5,158.75	5,287.73	5,419.90
0510	4,559.58	4,673.57	4,790.42	4,910.17	5,032.93	5,158.75	5,287.73	5,419.90	5,555.41
0511	4,673.57	4,790.42	4,910.17	5,032.93	5,158.75	5,287.73	5,419.90	5,555.41	5,694.28
0512	4,790.42	4,910.17	5,032.93	5,158.75	5,287.73	5,419.90	5,555.41	5,694.28	5,836.63
0513	4,910.17	5,032.93	5,158.75	5,287.73	5,419.90	5,555.41	5,694.28	5,836.63	5,982.56
0514	5,032.93	5,158.75	5,287.73	5,419.90	5,555.41	5,694.28	5,836.63	5,982.56	6,132.13

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
EFFECTIVE 6/25/96

SCHEDULE - E
MANAGEMENT/CONFIDENTIAL FIRE

HOURLY	HOURLY								2.00%
Range	1	2	3	4	5	6	7	8	9
0515	29.6480	30.3892	31.1489	31.9276	32.7258	33.5439	34.3825	35.2421	36.1232
0516	30.3892	31.1489	31.9276	32.7258	33.5439	34.3825	35.2421	36.1232	37.0263
0517	31.1489	31.9276	32.7258	33.5439	34.3825	35.2421	36.1232	37.0263	37.9520
0518	31.9276	32.7258	33.5439	34.3825	35.2421	36.1232	37.0263	37.9520	38.9008
0519	32.7258	33.5439	34.3825	35.2421	36.1232	37.0263	37.9520	38.9008	39.8733
0520	33.5439	34.3825	35.2421	36.1232	37.0263	37.9520	38.9008	39.8733	40.8701
0521	34.3825	35.2421	36.1232	37.0263	37.9520	38.9008	39.8733	40.8701	41.8919
0522	35.2421	36.1232	37.0263	37.9520	38.9008	39.8733	40.8701	41.8919	42.9392
0523	36.1232	37.0263	37.9520	38.9008	39.8733	40.8701	41.8919	42.9392	44.0127
0524	37.0263	37.9520	38.9008	39.8733	40.8701	41.8919	42.9392	44.0127	45.1130
0525	37.9520	38.9008	39.8733	40.8701	41.8919	42.9392	44.0127	45.1130	46.2408
0526	38.9008	39.8733	40.8701	41.8919	42.9392	44.0127	45.1130	46.2408	47.3968
0527	39.8733	40.8701	41.8919	42.9392	44.0127	45.1130	46.2408	47.3968	48.5817
0528	40.8701	41.8919	42.9392	44.0127	45.1130	46.2408	47.3968	48.5817	49.7962
BY-WEEKLY	1	2	3	4	5	6	7	8	9
0515	2,371.84	2,431.14	2,491.91	2,554.21	2,618.06	2,683.51	2,750.60	2,819.37	2,889.86
0516	2,431.14	2,491.91	2,554.21	2,618.06	2,683.51	2,750.60	2,819.37	2,889.86	2,962.10
0517	2,491.91	2,554.21	2,618.06	2,683.51	2,750.60	2,819.37	2,889.86	2,962.10	3,036.16
0518	2,554.21	2,618.06	2,683.51	2,750.60	2,819.37	2,889.86	2,962.10	3,036.16	3,112.06
0519	2,618.06	2,683.51	2,750.60	2,819.37	2,889.86	2,962.10	3,036.16	3,112.06	3,189.86
0520	2,683.51	2,750.60	2,819.37	2,889.86	2,962.10	3,036.16	3,112.06	3,189.86	3,269.61
0521	2,750.60	2,819.37	2,889.86	2,962.10	3,036.16	3,112.06	3,189.86	3,269.61	3,351.35
0522	2,819.37	2,889.86	2,962.10	3,036.16	3,112.06	3,189.86	3,269.61	3,351.35	3,435.14
0523	2,889.86	2,962.10	3,036.16	3,112.06	3,189.86	3,269.61	3,351.35	3,435.14	3,521.02
0524	2,962.10	3,036.16	3,112.06	3,189.86	3,269.61	3,351.35	3,435.14	3,521.02	3,609.04
0525	3,036.16	3,112.06	3,189.86	3,269.61	3,351.35	3,435.14	3,521.02	3,609.04	3,699.26
0526	3,112.06	3,189.86	3,269.61	3,351.35	3,435.14	3,521.02	3,609.04	3,699.26	3,791.74
0527	3,189.86	3,269.61	3,351.35	3,435.14	3,521.02	3,609.04	3,699.26	3,791.74	3,886.54
0528	3,269.61	3,351.35	3,435.14	3,521.02	3,609.04	3,699.26	3,791.74	3,886.54	3,983.70
MONTHLY	1	2	3	4	5	6	7	8	9
0515	5,158.75	5,287.73	5,419.90	5,555.41	5,694.28	5,836.63	5,982.56	6,132.13	6,285.45
0516	5,287.73	5,419.90	5,555.41	5,694.28	5,836.63	5,982.56	6,132.13	6,285.45	6,442.57
0517	5,419.90	5,555.41	5,694.28	5,836.63	5,982.56	6,132.13	6,285.45	6,442.57	6,603.65
0518	5,555.41	5,694.28	5,836.63	5,982.56	6,132.13	6,285.45	6,442.57	6,603.65	6,768.73
0519	5,694.28	5,836.63	5,982.56	6,132.13	6,285.45	6,442.57	6,603.65	6,768.73	6,937.95
0520	5,836.63	5,982.56	6,132.13	6,285.45	6,442.57	6,603.65	6,768.73	6,937.95	7,111.40
0521	5,982.56	6,132.13	6,285.45	6,442.57	6,603.65	6,768.73	6,937.95	7,111.40	7,289.19
0522	6,132.13	6,285.45	6,442.57	6,603.65	6,768.73	6,937.95	7,111.40	7,289.19	7,471.43
0523	6,285.45	6,442.57	6,603.65	6,768.73	6,937.95	7,111.40	7,289.19	7,471.43	7,658.22
0524	6,442.57	6,603.65	6,768.73	6,937.95	7,111.40	7,289.19	7,471.43	7,658.22	7,849.66
0525	6,603.65	6,768.73	6,937.95	7,111.40	7,289.19	7,471.43	7,658.22	7,849.66	8,045.89
0526	6,768.73	6,937.95	7,111.40	7,289.19	7,471.43	7,658.22	7,849.66	8,045.89	8,247.03
0527	6,937.95	7,111.40	7,289.19	7,471.43	7,658.22	7,849.66	8,045.89	8,247.03	8,453.22
0528	7,111.40	7,289.19	7,471.43	7,658.22	7,849.66	8,045.89	8,247.03	8,453.22	8,664.55

CITY OF MODESTO
CLASS RANGE TABLE
POLICE MANAGEMENT CLASSES (Unrepresented)

Effective June 25, 1996

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 96-97
EFFECTIVE 6/25/96

SCHEDULE - G
MANAGEMENT/CONFIDENTIAL - POLICE - UNREPRESENTED

HOURLY

2.00%

Range	1	2	3	4	5	6	7	8	9
1601	19.1361	19.6145	20.1049	20.6075	21.1227	21.6508	22.1921	22.7469	23.3156
1602	19.6145	20.1049	20.6075	21.1227	21.6508	22.1921	22.7469	23.3156	23.8985
1603	20.1049	20.6075	21.1227	21.6508	22.1921	22.7469	23.3156	23.8985	24.4960
1604	20.6075	21.1227	21.6508	22.1921	22.7469	23.3156	23.8985	24.4960	25.1084
1605	21.1227	21.6508	22.1921	22.7469	23.3156	23.8985	24.4960	25.1084	25.7361
1606	21.6508	22.1921	22.7469	23.3156	23.8985	24.4960	25.1084	25.7361	26.3795
1607	22.1921	22.7469	23.3156	23.8985	24.4960	25.1084	25.7361	26.3795	27.0390
1608	22.7469	23.3156	23.8985	24.4960	25.1084	25.7361	26.3795	27.0390	27.7150
1609	23.3156	23.8985	24.4960	25.1084	25.7361	26.3795	27.0390	27.7150	28.4079
1610	23.8985	24.4960	25.1084	25.7361	26.3795	27.0390	27.7150	28.4079	29.1181
1611	24.4960	25.1084	25.7361	26.3795	27.0390	27.7150	28.4079	29.1181	29.8461
1612	25.1084	25.7361	26.3795	27.0390	27.7150	28.4079	29.1181	29.8461	30.5923
1613	25.7361	26.3795	27.0390	27.7150	28.4079	29.1181	29.8461	30.5923	31.3571
1614	26.3795	27.0390	27.7150	28.4079	29.1181	29.8461	30.5923	31.3571	32.1410

BY-WEEKLY

	1	2	3	4	5	6	7	8	9
1601	1,530.89	1,569.16	1,608.39	1,648.60	1,689.82	1,732.06	1,775.37	1,819.75	1,865.25
1602	1,569.16	1,608.39	1,648.60	1,689.82	1,732.06	1,775.37	1,819.75	1,865.25	1,911.88
1603	1,608.39	1,648.60	1,689.82	1,732.06	1,775.37	1,819.75	1,865.25	1,911.88	1,959.68
1604	1,648.60	1,689.82	1,732.06	1,775.37	1,819.75	1,865.25	1,911.88	1,959.68	2,008.67
1605	1,689.82	1,732.06	1,775.37	1,819.75	1,865.25	1,911.88	1,959.68	2,008.67	2,058.89
1606	1,732.06	1,775.37	1,819.75	1,865.25	1,911.88	1,959.68	2,008.67	2,058.89	2,110.36
1607	1,775.37	1,819.75	1,865.25	1,911.88	1,959.68	2,008.67	2,058.89	2,110.36	2,163.12
1608	1,819.75	1,865.25	1,911.88	1,959.68	2,008.67	2,058.89	2,110.36	2,163.12	2,217.20
1609	1,865.25	1,911.88	1,959.68	2,008.67	2,058.89	2,110.36	2,163.12	2,217.20	2,272.63
1610	1,911.88	1,959.68	2,008.67	2,058.89	2,110.36	2,163.12	2,217.20	2,272.63	2,329.45
1611	1,959.68	2,008.67	2,058.89	2,110.36	2,163.12	2,217.20	2,272.63	2,329.45	2,387.69
1612	2,008.67	2,058.89	2,110.36	2,163.12	2,217.20	2,272.63	2,329.45	2,387.69	2,447.38
1613	2,058.89	2,110.36	2,163.12	2,217.20	2,272.63	2,329.45	2,387.69	2,447.38	2,508.57
1614	2,110.36	2,163.12	2,217.20	2,272.63	2,329.45	2,387.69	2,447.38	2,508.57	2,571.28

MONTHLY

	1	2	3	4	5	6	7	8	9
1601	3,329.69	3,412.92	3,498.25	3,585.71	3,675.36	3,767.23	3,861.43	3,957.96	4,056.92
1602	3,412.92	3,498.25	3,585.71	3,675.36	3,767.23	3,861.43	3,957.96	4,056.92	4,158.34
1603	3,498.25	3,585.71	3,675.36	3,767.23	3,861.43	3,957.96	4,056.92	4,158.34	4,262.30
1604	3,585.71	3,675.36	3,767.23	3,861.43	3,957.96	4,056.92	4,158.34	4,262.30	4,368.86
1605	3,675.36	3,767.23	3,861.43	3,957.96	4,056.92	4,158.34	4,262.30	4,368.86	4,478.09
1606	3,767.23	3,861.43	3,957.96	4,056.92	4,158.34	4,262.30	4,368.86	4,478.09	4,590.03
1607	3,861.43	3,957.96	4,056.92	4,158.34	4,262.30	4,368.86	4,478.09	4,590.03	4,704.79
1608	3,957.96	4,056.92	4,158.34	4,262.30	4,368.86	4,478.09	4,590.03	4,704.79	4,822.41
1609	4,056.92	4,158.34	4,262.30	4,368.86	4,478.09	4,590.03	4,704.79	4,822.41	4,942.97
1610	4,158.34	4,262.30	4,368.86	4,478.09	4,590.03	4,704.79	4,822.41	4,942.97	5,066.55
1611	4,262.30	4,368.86	4,478.09	4,590.03	4,704.79	4,822.41	4,942.97	5,066.55	5,193.23
1612	4,368.86	4,478.09	4,590.03	4,704.79	4,822.41	4,942.97	5,066.55	5,193.23	5,323.05
1613	4,478.09	4,590.03	4,704.79	4,822.41	4,942.97	5,066.55	5,193.23	5,323.05	5,456.14
1614	4,590.03	4,704.79	4,822.41	4,942.97	5,066.55	5,193.23	5,323.05	5,456.14	5,592.53

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
EFFECTIVE 6/25/96

SCHEDULE - G
 MANAGEMENT/CONFIDENTIAL -POLICE - UNREPRESENTED

HOURLY

2.00%

Range	1	2	3	4	5	6	7	8	9
1615	27.0390	27.7150	28.4079	29.1181	29.8461	30.5923	31.3571	32.1410	32.9445
1616	27.7150	28.4079	29.1181	29.8461	30.5923	31.3571	32.1410	32.9445	33.7681
1617	28.4079	29.1181	29.8461	30.5923	31.3571	32.1410	32.9445	33.7681	34.6123
1618	29.1181	29.8461	30.5923	31.3571	32.1410	32.9445	33.7681	34.6123	35.4776
1619	29.8461	30.5923	31.3571	32.1410	32.9445	33.7681	34.6123	35.4776	36.3645
1620	30.5923	31.3571	32.1410	32.9445	33.7681	34.6123	35.4776	36.3645	37.2736
1621	31.3571	32.1410	32.9445	33.7681	34.6123	35.4776	36.3645	37.2736	38.2054
1622	32.1410	32.9445	33.7681	34.6123	35.4776	36.3645	37.2736	38.2054	39.1605
1623	32.9445	33.7681	34.6123	35.4776	36.3645	37.2736	38.2054	39.1605	40.1395
1624	33.7681	34.6123	35.4776	36.3645	37.2736	38.2054	39.1605	40.1395	41.1430
1625	34.6123	35.4776	36.3645	37.2736	38.2054	39.1605	40.1395	41.1430	42.1716
1626	35.4776	36.3645	37.2736	38.2054	39.1605	40.1395	41.1430	42.1716	43.2259
1627	36.3645	37.2736	38.2054	39.1605	40.1395	41.1430	42.1716	43.2259	44.3065
1628	37.2736	38.2054	39.1605	40.1395	41.1430	42.1716	43.2259	44.3065	45.4142

BY-WEEKLY	1	2	3	4	5	6	7	8	9
1615	2,163.12	2,217.20	2,272.63	2,329.45	2,387.69	2,447.38	2,508.57	2,571.28	2,635.56
1616	2,217.20	2,272.63	2,329.45	2,387.69	2,447.38	2,508.57	2,571.28	2,635.56	2,701.45
1617	2,272.63	2,329.45	2,387.69	2,447.38	2,508.57	2,571.28	2,635.56	2,701.45	2,768.98
1618	2,329.45	2,387.69	2,447.38	2,508.57	2,571.28	2,635.56	2,701.45	2,768.98	2,838.21
1619	2,387.69	2,447.38	2,508.57	2,571.28	2,635.56	2,701.45	2,768.98	2,838.21	2,909.16
1620	2,447.38	2,508.57	2,571.28	2,635.56	2,701.45	2,768.98	2,838.21	2,909.16	2,981.89
1621	2,508.57	2,571.28	2,635.56	2,701.45	2,768.98	2,838.21	2,909.16	2,981.89	3,056.43
1622	2,571.28	2,635.56	2,701.45	2,768.98	2,838.21	2,909.16	2,981.89	3,056.43	3,132.84
1623	2,635.56	2,701.45	2,768.98	2,838.21	2,909.16	2,981.89	3,056.43	3,132.84	3,211.16
1624	2,701.45	2,768.98	2,838.21	2,909.16	2,981.89	3,056.43	3,132.84	3,211.16	3,291.44
1625	2,768.98	2,838.21	2,909.16	2,981.89	3,056.43	3,132.84	3,211.16	3,291.44	3,373.73
1626	2,838.21	2,909.16	2,981.89	3,056.43	3,132.84	3,211.16	3,291.44	3,373.73	3,458.07
1627	2,909.16	2,981.89	3,056.43	3,132.84	3,211.16	3,291.44	3,373.73	3,458.07	3,544.52
1628	2,981.89	3,056.43	3,132.84	3,211.16	3,291.44	3,373.73	3,458.07	3,544.52	3,633.14

MONTHLY	1	2	3	4	5	6	7	8	9
1615	4,704.79	4,822.41	4,942.97	5,066.55	5,193.23	5,323.05	5,456.14	5,592.53	5,732.34
1616	4,822.41	4,942.97	5,066.55	5,193.23	5,323.05	5,456.14	5,592.53	5,732.34	5,875.65
1617	4,942.97	5,066.55	5,193.23	5,323.05	5,456.14	5,592.53	5,732.34	5,875.65	6,022.53
1618	5,066.55	5,193.23	5,323.05	5,456.14	5,592.53	5,732.34	5,875.65	6,022.53	6,173.11
1619	5,193.23	5,323.05	5,456.14	5,592.53	5,732.34	5,875.65	6,022.53	6,173.11	6,327.42
1620	5,323.05	5,456.14	5,592.53	5,732.34	5,875.65	6,022.53	6,173.11	6,327.42	6,485.61
1621	5,456.14	5,592.53	5,732.34	5,875.65	6,022.53	6,173.11	6,327.42	6,485.61	6,647.74
1622	5,592.53	5,732.34	5,875.65	6,022.53	6,173.11	6,327.42	6,485.61	6,647.74	6,813.93
1623	5,732.34	5,875.65	6,022.53	6,173.11	6,327.42	6,485.61	6,647.74	6,813.93	6,984.27
1624	5,875.65	6,022.53	6,173.11	6,327.42	6,485.61	6,647.74	6,813.93	6,984.27	7,158.88
1625	6,022.53	6,173.11	6,327.42	6,485.61	6,647.74	6,813.93	6,984.27	7,158.88	7,337.86
1626	6,173.11	6,327.42	6,485.61	6,647.74	6,813.93	6,984.27	7,158.88	7,337.86	7,521.30
1627	6,327.42	6,485.61	6,647.74	6,813.93	6,984.27	7,158.88	7,337.86	7,521.30	7,709.33
1628	6,485.61	6,647.74	6,813.93	6,984.27	7,158.88	7,337.86	7,521.30	7,709.33	7,902.08

CITY OF MODESTO
CLASS RANGE TABLE
EXECUTIVE MANAGEMENT

Effective June 25, 1996

RANGE	TITLE
1405	City Clerk/Auditor
1406	
1407 - 1411	
1412	
1413	Personnel Director
1414	
1415	
1416	
1417	Finance Director
1418	
1419	
1420	Parks & Recreation Director Fire Chief
1421	
1422	Police Chief Community Development Director
1423	Public Works and Transportation Director
1424	Deputy City Manager City Attorney
1425	
1426	
1427	
1428	City Manager

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
EFFECTIVE 6/25/96

Executive Management

		HOURLY		Bi-weekly		Monthly	
		Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
1405	City clerk/auditor	25.3398	31.6748	2,027.18	2,533.98	4,409.12	5,511.41
1406		25.9733	32.4666	2,077.86	2,597.33	4,519.35	5,649.19
1407		26.6226	33.2783	2,129.81	2,662.26	4,632.34	5,790.42
1408		27.2882	34.1102	2,183.06	2,728.82	4,748.16	5,935.18
1409		27.9704	34.9630	2,237.63	2,797.04	4,866.85	6,083.56
1410		28.6697	35.8371	2,293.57	2,866.97	4,988.51	6,235.66
1411		29.3864	36.7330	2,350.91	2,938.64	5,113.23	6,391.54
1412		30.1211	37.6513	2,409.68	3,012.10	5,241.05	6,551.32
1413	Personnel Director	30.8741	38.5926	2,469.93	3,087.41	5,372.10	6,715.12
1414		31.6459	39.5574	2,531.68	3,164.59	5,506.40	6,882.98
1415		32.4371	40.5464	2,594.97	3,243.71	5,644.06	7,055.07
1416		33.2480	41.5600	2,659.84	3,324.80	5,785.15	7,231.44
1417	Finance Director	34.0792	42.5990	2,726.34	3,407.92	5,929.79	7,412.23
1418		34.9312	43.6640	2,794.50	3,493.12	6,078.04	7,597.54
1419		35.8045	44.7556	2,864.36	3,580.45	6,229.98	7,787.48
1420	Parks & Recreation Director	36.6996	45.8745	2,935.97	3,669.96	6,385.73	7,982.16
	Fire Chief						
1421		37.6171	47.0214	3,009.37	3,761.71	6,545.38	8,181.72
1422	Police Chief	38.5575	48.1969	3,084.60	3,855.75	6,709.01	8,386.26
	Community Development Director						
1423	Public Works and Transportation Director	39.5214	49.4018	3,161.71	3,952.14	6,876.72	8,595.90
1424	Deputy City Manager	40.5094	50.6368	3,240.75	4,050.94	7,048.63	8,810.79
	City Attorney						
1425		41.5221	51.9026	3,321.77	4,152.21	7,224.85	9,031.06
1426		42.5602	53.2003	3,404.82	4,256.02	7,405.48	9,256.84
1427		43.6242	54.5303	3,489.94	4,362.42	7,590.62	9,488.26
1428	City Manager	44.7148	55.8935	3,577.18	4,471.48	7,780.37	9,725.47

MODESTO CITY COUNCIL
RESOLUTION NO. 96-367

A RESOLUTION AMENDING AND RESTATING VARIOUS DEFERRED COMPENSATION PLANS FOR THE EMPLOYEES OF THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NOS. 91-463, 91-556 AND 91-557.

WHEREAS, the Council has previously created the mandatory, voluntary and optional Deferred Compensation Plans, and

WHEREAS, the City has employees rendering valuable services, and

WHEREAS, the establishment of a single deferred compensation plan for such employees serves the interests of the City by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel, and

WHEREAS, the City has determined that the establishment of a single deferred compensation plan to be administered by the ICMA Retirement Corporation serves the above objectives, and

WHEREAS, the City desires that its Deferred Compensation Plan be administered by the ICMA Retirement Corporation, and that the funds held under such plan be invested in the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans,

NOW, THEREFORE, BE IT RESOLVED by the Council of the

City of Modesto that it hereby adopts the ICMA Retirement Corporation Deferred Compensation Plan (the "PLAN") referred to as Appendix A.

BE IT FURTHER RESOLVED that said PLAN is amended in part according to the following provisions:

SECTION 1. The City of Modesto shall pay into said PLAN each pay period as follows:

(A) Management and Confidential Employees: For those Non-sworn Management and Confidential employees who participate in the PLAN with at least a two (2%) percent deferral, the City shall pay into the PLAN an amount equal to one (1%) percent of each employee's gross regular salary. When said employee has completed nine (9) or more years of continuous service with the City of Modesto on or after June 30th of the year, the City shall increase its contribution to two (2%) percent.

Provided, however, that no such employee shall be eligible to receive said amount paid into the PLAN by the City of Modesto until he or she has been an employee of the City of Modesto for at least one (1) year.

(B) Police and Fire Management Employees: For those Sworn Police & Fire Management employees who participate in the PLAN with at least a two (2%) percent deferral, the City shall pay into the PLAN an amount equal to one-half (1/2%) percent of each employee's gross regular salary. When said employee has completed nine (9) or more years of continuous service with the

City of Modesto on or after June 30th of that year, the City shall increase its contribution to three-quarters (3/4%) percent.

(C) Non-Sworn Represented Employees: For those non-sworn represented employees who participate in the PLAN with at least a one (1%) percent deferral, the City shall pay into the PLAN an amount equal to one (1%) percent of each employee's gross regular salary. When said employee has completed fourteen (14) or more years of continuous service with the City of Modesto on or after June 30th of that year, and participates in the PLAN with at least a two (2%) percent deferral, the City shall increase its contribution to two (2%) percent.

Provided, however, that no such employee shall be eligible to receive said amount paid into the PLAN by the City of Modesto until he or she has been an employee of the City of Modesto for at least one (1) year.

SECTION 2. The City of Modesto shall pay into said PLAN each pay period for each employee of the City of Modesto who holds a regular position of employment and who does not subscribe for health insurance coverage for said employee's dependents, or who opts-out of health insurance, an amount as determined by agreement with the respective employee organization or, for unrepresented employees, as approved by the City Council.

Provided, however, that no such employee shall be eligible to receive said amount paid into the PLAN by the City of Modesto until he or she has been an employee of the City of

Modesto for at least one (1) year.

SECTION 3. Effective January 7, 1997, Section 1(A) shall be amended to read:

(A) Management & Confidential and Non-Represented Sworn Police and Fire Management Employees: For those Non-Sworn Management & Confidential employees and Non-Represented, Sworn Police and Fire Management Employees who participate in the PLAN with at least a one and one-half (1 1/2%) percent deferral, the City shall pay into the PLAN an amount equal to one and one-half (1 1/2%) percent of each employee's gross regular salary. When said employee has completed nine (9) or more years of continuous service with the City of Modesto on or after June 30th of the year, and participates in the PLAN with at least a two and one-half (2 1/2%) percent deferral, the City shall pay into the PLAN an amount equal to two and one-half (2 1/2%) percent of each employee's gross regular salary.

Provided, however, that no such employee shall be eligible to receive said amount paid into the PLAN by the City of Modesto until he or she has been an employee of the City of Modesto for at least one (1) year.

(B) Section 1(B) shall remain in force for represented Sworn Police Management employees.

SECTION 4. For purposes of Article II, Section 2.09, the City declares that the alternate Normal Retirement Age is age 50 for all employees participating in the PLAN.

SECTION 5. There is hereby established a Deferred Compensation Committee to monitor the PLAN established hereby. The Committee shall consist of three (3) persons to be appointed by and serve at the pleasure of the City Manager, one of whom shall be appointed by the City Manager, to be its Chairperson. The Committee shall rule on all requests for hardship withdrawals from the PLAN and make other recommendations as appropriate. It shall also have such further powers and duties as may be delegated to it from time to time by the City Manager.

Persons who are currently members of the Deferred Compensation Committee as established by previous Resolutions, shall continue in office, and shall serve at the pleasure of the City Manager as though appointed pursuant to this section.

BE IT FURTHER RESOLVED that the City hereby executes the Declaration of Trust of the ICMA Retirement Trust, attached hereto as Appendix B, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the City, if the assets of the plan are to be invested in the ICMA Retirement Trust.

BE IT FURTHER RESOLVED that the City Manager shall be the coordinator for this program; shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the City, any required votes under the ICMA Retirement Trust; and is authorized to execute all necessary agreements with ICMA Retirement

Corporation incidental to the administration of the PLAN.
Administrative duties to carry out the plan may be assigned to
the appropriate departments.

BE IT FURTHER RESOLVED that Resolution Nos. 91-463, 91-556 and 91-557 are hereby repealed in their entirety.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

Ayes:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
Noes:	Councilmembers:	None
Absent:	Councilmembers:	McKinsey

ATTEST: Jean Adams
Jean Adams, City Clerk

(Seal)

APPROVED AS TO FORM:

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

DEFERRED COMPENSATION PLAN-APPENDIX A

DEFERRED COMPENSATION PLAN DOCUMENT

Article I. Introduction

The Employer hereby establishes the Employer's Deferred Compensation Plan, hereafter referred to as the "Plan." The Plan consists of the provisions set forth in this document.

The primary purpose of this Plan is to provide retirement income and other deferred benefits to the Employees of the Employer in accordance with the provisions of Section 457 of the Internal Revenue Code of 1986, as amended (the "Code").

This Plan shall be an agreement solely between the Employer and participating Employees.

Article II. Definitions

2.01 Account: The bookkeeping account maintained for each Participant reflecting the cumulative amount of the Participant's Deferred Compensation, including any income, gains, losses, or increases or decreases in market value attributable to the Employer's investment of the Participant's Deferred Compensation, and further reflecting any distributions to the Participant or the Participant's Beneficiary and any fees or expenses charged against such Participant's Deferred Compensation.

2.02 Administrator: The person or persons named to carry out certain nondiscretionary administrative functions under the Plan, as hereinafter described. The Employer may remove any person as Administrator upon 60 days' advance notice in writing to such person, in which case the Employer shall name another person or persons to act as Administrator. The Administrator may resign upon 60 days' advance notice in writing to the Employer, in which case the Employer shall name another person or persons to act as Administrator.

2.03 Beneficiary: The person or persons designated by the Participant in his Joinder Agreement who shall receive any benefits payable hereunder in the event of the Participant's death. In the event that the Participant names two or more Beneficiaries, each Beneficiary shall be entitled to equal shares of the benefits payable at the Participant's death, unless otherwise provided in the Participant's Joinder Agreement. If no beneficiary is designated in the Joinder Agreement, if the Designated Beneficiary predeceases the Participant, or if the designated Beneficiary does not survive the Participant for a period of fifteen (15) days, then the estate of the Participant shall be the Beneficiary.

2.04 Deferred Compensation: The amount of Normal Compensation otherwise payable to the Participant which the

Participant and the Employer mutually agree to defer hereunder, any amount credited to a Participant's Account by reason of a transfer under section 6.03, or any other amount which the Employer agrees to credit to a Participant's Account.

2.05 Employee: Any individual who provides services for the Employer, whether as an employee of the Employer or as an independent contractor, and who has been designated by the Employer as eligible to participate in the Plan.

2.06 Includible Compensation: The amount of an Employee's compensation from the Employer for a taxable year that is attributable to services performed for the Employer and that is includible in the Employee's gross income for the taxable year for federal income tax purposes; such term does not include any amount excludable from gross income under this Plan or any other plan described in Section 457(b) of the Code or any other amount excludable from gross income for federal income tax purposes. Includible Compensation shall be determined without regard to any community property laws.

2.07 Joinder Agreement: An agreement entered into between an Employee and the Employer, including any amendments or modifications thereof. Such agreement shall fix the amount of Deferred Compensation, specify a preference among the investment alternatives designated by the Employer, designate the Employee's Beneficiary or Beneficiaries, and incorporate the terms, conditions, and provisions of the Plan by reference.

2.08 Normal Compensation: The amount of compensation which would be payable to a Participant by the Employer for a taxable year if no Joinder Agreement were in effect to defer compensation under this Plan.

2.09 Normal Retirement Age: Age 70-1/2, unless the Participant has elected an alternate Normal Retirement Age by written instrument delivered to the Administrator prior to Separation from Service. A Participant's Normal Retirement Age determines the period during which a Participant may utilize the catch-up limitation of Section 5.02 hereunder. Once a Participant has to any extent utilized the catch-up limitation of Section 5.02, his Normal Retirement Age may not be changed.

A Participant's alternate Normal Retirement Age may not be earlier than the earliest date that the Participant will become eligible to retire and receive unreduced retirement benefits under the Employer's basic retirement plan covering the Participant and may not be later than the date the Participant will attain age 70-1/2. If a Participant continues employment

after attaining age 70-1/2, not having previously elected alternate Normal Retirement Age, the Participant's alternate Normal Retirement Age shall not be later than the mandatory retirement age, if any, established by the Employer, or the age at which the Participant actually separates from service if the Employer has no mandatory retirement age. If the Participant will not become eligible to receive benefits under a basic retirement plan maintained by the Employer, the Participant's alternate Normal Retirement Age may not be earlier than age 55 and may not be later than age 70-1/2.

2.10 Participant: Any Employee who has joined the Plan pursuant to the requirements of Article IV.

2.11 Plan Year: The calendar year.

2.12 Retirement: The first date upon which both of the following shall have occurred with respect to a participant: Separation from Service and attainment of age 65.

2.13 Separation From Service: Severance of the Participant's employment with the Employer which constitutes a "separation from service" with the meaning of Section 402(d)(4)(A)(iii) of the Code. In general, a Participant shall be deemed to have severed his employment with the Employer for purposes of this Plan when, in accordance with the established practices of the Employer, the employment relationship is considered to have actually terminated. In the case of a Participant who is an independent contractor of the Employer, Separation from Service shall be deemed to have occurred when the Participant's contract under which services are performed has completely expired and terminated, there is no foreseeable possibility that the Employer will renew the contract or enter into a new contract for the Participant's services, and is not anticipated that the Participant will become an Employee of the Employer.

Article III. Administration

3.01 Duties of the Employer: The Employer shall have the authority to make all discretionary decisions affecting the rights or benefits of Participants which may be required in the administration of this Plan.

3.02 Duties of Administrator: The Administrator, as agent for the Employer, shall perform nondiscretionary administrative functions in connection with the Plan, including the maintenance of Participants' Accounts, the provision of periodic reports of the status of each Account, and the disbursement of benefits on behalf of the Employer in accordance with the provisions of this Plan.

Article IV. Participation in the Plan

4.01 Initial Participation: An Employee may become a Participant by entering into a Joinder Agreement prior to the beginning of the calendar month in which the Joinder Agreement is to become effective to defer compensation not yet earned.

4.02 Amendment of Joinder Agreement: A Participant may amend an executed Joinder Agreement to change the amount of compensation not yet earned which is to be deferred (including the reduction of such future deferrals to zero) or to change his investment preference (subject to such restrictions as may result from the nature of terms of any investment made by the Employer). Such amendment shall become effective as of the beginning of the calendar month commencing after the date the amendment is executed. A Participant may at any time amend his Joinder Agreement to change the designated Beneficiary, and such amendment shall become effective immediately.

Article V. Limitations on Deferrals

5.01 Normal Limitation: Except as provided in section 5.02, the maximum amount of Deferred Compensation for any Participant for any taxable year shall not exceed the lesser of \$7,500.00 or 33-1/3 percent of the Participant's Includible Compensation for the taxable year. This limitation will ordinarily be equivalent to the lesser of \$7,500.00 or 25 percent of the Participant's Normal Compensation.

5.02 Catch-Up Limitation: For each of the last three (3) taxable years of a Participant ending before his attainment of Normal Retirement Age, the maximum amount of Deferred Compensation shall be the lesser of: (1) \$15,000 or (2) the sum of (i) the Normal Limitation for the taxable year, and (ii) the Normal Limitation for each prior taxable year of the Participant commencing after 1978 less the amount of the Participant's Deferred Compensation for such prior taxable years. A prior taxable year shall be taken into account under the preceding sentence only if (i) the Participant was eligible to participate in the Plan for such year (or in any other eligible deferred compensation plan established under Section 457 of the Code which is properly taken into account pursuant to regulations under section 457), and (ii) compensation (if any) deferred under the Plan (or such other plan) was subject to the deferral limitations set forth in Section 5.01

5.03 Other Plans: The amount excludable from a Participant's gross income under this Plan or any other eligible deferred compensation plan under section 457 of the Code shall not exceed \$7,500.00 (or such greater amount allowed under Section 5.02 of the Plan), less any amount excluded

from gross income under section 403(b), 402(a)(8), or 402(h)(1)(B) of the Code, or any amount with respect to which a deduction is allowable by reason of a contribution to an organization described in section 501(c)(18) of the Code.

Article VI. Investments and Account Values

6.01 Investment of Deferred Compensation: All investments of Participant's Deferred Compensation made by the Employer, including all property and rights purchased with such amounts and all income attributable thereto, shall be the sole property of the Employer and shall not be held in trust for Participants or as collateral security for the fulfillment of the Employer's obligations under the Plan. Such property shall be subject to the claims of general creditors of the Employer, and no Participant or Beneficiary shall have any vested interest or secured or preferred position with respect to such property or have any claim against the Employer except as a general creditor.

6.02 Crediting of Accounts: The Participant's Account shall reflect the amount and value of the investments or other property obtained by the Employer through the investment of the Participant's Deferred Compensation. It is anticipated that the Employer's investments with respect to a Participant will conform to the investment preference specified in the Participant's Joinder Agreement, but nothing herein shall be construed to require the Employer to make any particular investment of a Participant's Deferred Compensation. Each Participant shall receive periodic reports, not less frequently than annually, showing the then current value of his Account.

6.03 Transfers:

(a) **Incoming Transfers:** A transfer may be accepted from an eligible deferred compensation plan maintained by another employer and credited to a Participant's Account under the Plan if (i) the Participant has separated from service with that employer and become an Employee of the Employer, and (ii) the other employer's plan provides that such transfer will be made. The Employer may require such documentation from the predecessor plan as it deems necessary to effectuate the transfer, to confirm that such plan is an eligible deferred compensation plan within the meaning of Section 457 of the Code, and to assure that transfers are provided for under such plan. The Employer may refuse to accept a transfer in the form of assets other than cash, unless the Employer and the Administrator agree to hold such other assets under the Plan. Any such transferred amount shall be treated as a deferral subject to the limitations of Article V, except that, for purposes of applying the limitations of Sections 5.01 and 5.02, an amount deferred during any taxable year under the plan from which the transfer is accepted shall be treated as if it has been

deferred under this Plan during such taxable year and compensation paid by the transferor employer shall be treated as if it had been paid by the Employer.

(b) **Outgoing Transfers:** An amount may be transferred to an eligible deferred compensation plan maintained by another employer, and charged to a Participant's Account under this Plan, if (i) the Participant has separated from service with the Employer and become an employee of the other employer, (ii) the other employer's plan provides that such transfer will be accepted, and (iii) the Participant and the employers have signed such agreements as are necessary to assure that the Employer's liability to pay benefits to the Participant has been discharged and assumed by the other employer. The Employer may require such documentation from the other plan as it deems necessary to effectuate the transfer, to confirm that such plan is an eligible deferred compensation plan within the meaning of section 457 of the Code, and to assure that transfers are provided for under such plan. Such transfers shall be made only under such circumstances as are permitted under section 457 of the Code and the regulations thereunder.

6.04 Employer Liability: In no event shall the Employer's liability to pay benefits to a Participant under Article VI exceed the value of the amounts credited to the Participant's Account; the Employer shall not be liable for losses arising from depreciation or shrinkage in the value of any investments acquired under this Plan.

Article VII. Benefits

7.01 Retirement Benefits and Election on Separation from Service: Except as otherwise provided in this Article VII, the distribution of a Participant's Account shall commence as of April 1 of the calendar year after the Plan Year of the Participant's Retirement, and the distribution of such Retirement benefits shall be made in accordance with one of the payment options described in Section 7.02. Notwithstanding the foregoing, the Participant may irrevocably elect within 60 days following Separation from Service to have the distribution of benefits commence on a fixed determinable date other than that described in the preceding sentence which is at least 61 days after Separation from Service, but not later than April 1 of the year following the year of the Participant's Retirement or attainment of age 70-1/2, whichever is later.

7.02 Payment Options: As provided in Sections 7.01, 7.04 and 7.05, a Participant or Beneficiary may elect to have value of the Participant's Account distributed in accordance with one of the following payment options, provided that such option is consistent with the limitations set forth in Section 7.03.

(a) Equal monthly, quarterly, semi-annual or annual payments in an amount chosen by the Participant, continuing until his Account is exhausted;

(b) One lump-sum payment;

(c) Approximately equal monthly, quarterly, semi-annual or annual payments, calculated to continue for a period certain chosen by the Participant.

(d) Annual Payments equal to the minimum distributions required under Section 401(a)(9) of the Code over the life expectancy of the Participant or over the life expectancies of the Participant and his Beneficiary.

(e) Payments equal to payments made by the issuer of a retirement annuity policy acquired by the Employer.

(f) A split distribution under which payments under options (a), (b), (c) or (e) commence or are made at the same time, as elected by the Participant under Section 7.01, provided that all payments commence (or are made) by the latest benefit commencement date under Section 7.01 and that once a payment is made subsequent payments will be made in substantially nonincreasing amounts.

(g) Any payment option elected by the Participant and agreed to by the Employer and Administrator, provided that such option must provide for substantially nonincreasing payments for any period after the benefit commencement date under Section 7.01.

A Participant's or Beneficiary's selection of a payment option made after December 31, 1995, under Subsections (a), (c), or (g) above may include the selection of an automatic annual cost-of-living increase. Such increase will be based on the rise in the Consumer Price Index for All Urban Consumers (CPI-U) from the third quarter of the last year in which a cost-of-living increase was provided to the third quarter of the current year. Any increase will be made in periodic payment checks beginning the following January. The first cost-of-living increase will be based on the rise in the CPI-U from the third quarter of 1995 to the third quarter of 1996, and will be applied to amounts paid beginning January 1997.

A Participant's or Beneficiary's election of a payment option must be made at least 30 days before the payment of benefits is to commence. If a Participant or Beneficiary fails to make a timely election of a payment option, benefits shall be paid monthly under option (c) above for a period of five years without the inclusion of a cost-of-living increase.

7.03 Limitation on Options: No payment option may be selected by a Participant or Beneficiary under Sections 7.02, 7.04, or 7.05 unless it satisfies the requirements of Sections 401(a)(9) and 457(d)(2) of the Code, including that payments commencing before the death of the Participant shall satisfy the incidental death benefits requirement under section 457(d)(2)(B)(i)(I). A cost-of-living increase included as part of

a payment option selected under Section 7.02 shall not be considered to fail to satisfy the requirement under section 457(d)(2)(b) that any distribution made over a period of more than 1 year can only be made in substantially nonincreasing amounts. Unless otherwise elected by the Participant, all determinations under Section 401(a)(9) shall be made without recalculation of life expectancies.

7.04 Post-retirement Death Benefits:

(a) Should the Participant die after he has begun to receive benefits under a payment option, the remaining payments, if any, under the payment option shall be payable to the Participant's Beneficiary within the 30-day period commencing with the 61st day after the Participant's death, unless the Beneficiary elects payment under a different payment option that is available under Section 7.02 within 60 days of the Participant's death. Any different payment option elected by a Beneficiary under this section must provide for payments at a rate that is at least as rapid under the payment option that was applicable to the Participant. In no event shall the Employer or Administrator be liable to the Beneficiary for the amount of any payment made in the name of the Participant before the Administrator receives proof of death of the Participant.

(b) If the designated Beneficiary does not continue to live for the remaining period of payments under the payment option, then the commuted value of any remaining payments under the payment option shall be paid in a lump sum to the estate of the Beneficiary. In the event that the Participant's estate is the Beneficiary, the commuted value of any remaining payments under the payment option shall be paid to the estate in a lump sum.

7.05 Pre-retirement Death Benefits:

(a) Should the Participant die before he has begun to receive the benefits provided by Section 7.01, the value of the Participant's Account shall be payable to the Beneficiary commencing within the 30-day period commencing on the 91st day after the Participant's death, unless the Beneficiary elects a different fixed or determinable benefit commencement date within 90 days of the Participant's death. Such benefit commencement date shall be not later than the later of (i) December 31 of the year following the year of the Participant's death, or (ii) if the Beneficiary is the Participant's spouse, December 31 of the year in which the Participant would have attained age 70-1/2.

(b) Unless a Beneficiary elects a different payment option prior to the benefit commencement date, death benefits under this Section shall be paid in approximately equal annual installments over five years, or over such shorter period as may

is necessary to assure that the amount of any annual installment is not less than \$3,500. A Beneficiary shall be treated as if he were a Participant for purposes of determining the payment options available under Section 7.02, provided, however, that the payment option chosen by the Beneficiary must provide for payments to the Beneficiary over a period no longer than the life expectancy of the Beneficiary, and provided that such period may not exceed (15) years if the Beneficiary is not the Participant's spouse.

(c) In the event that the Beneficiary dies before the payment of death benefits has commenced or been completed, the remaining value of the Participant's Account shall be paid to the estate of the Beneficiary in a lump sum. In the event that the Participant's estate is the Beneficiary, payment shall be made to the estate in a lump sum.

7.06 Unforeseeable Emergencies:

(a) In the event an unforeseeable emergency occurs, a Participant may apply to the Employer to receive that part of the value of his Account that is reasonably needed to satisfy the emergency need. If such an application is approved by the Employer, the Participant shall be paid only such amount as the Employer deems necessary to meet the emergency need, but payment shall not be made to the extent that the financial hardship may be relieved through cessation of deferral under the Plan, insurance or other reimbursement, or liquidation of other assets to the extent such liquidation would not itself cause severe financial hardship.

(b) An unforeseeable emergency shall be deemed to involve only circumstances of severe financial hardship to the Participant resulting from a sudden unexpected illness, accident, or disability of the Participant or of a dependent (as defined in section 152(a) of the Code) of the Participant, loss of the Participant's property due to casualty, or other similar and extraordinary unforeseeable circumstances arising as a result of events beyond the control of the Participant. The need to send a Participant's child to college or to purchase a new home shall not be considered unforeseeable emergencies. The determination as to whether such an unforeseeable emergency exists shall be based on the merits of each individual case.

7.07 Transitional Rule for Pre-1989 Benefit Elections:

In the event that, prior to January 1, 1989, a Participant or Beneficiary has commenced receiving benefits under a payment option or has irrevocably elected a payment option or benefit commencement date, then that payment option or election shall remain in effect notwithstanding any other provision of the Plan.

Article VIII. Non-Assignability

8.01 In General: Except as provided in Section 8.02, no Participant or Beneficiary shall have any right to commute, sell, assign, pledge, transfer or otherwise convey or encumber the right to receive any payments hereunder, which payments and rights are expressly declared to be non-assignable and non-transferable.

8.02 Domestic Relations Orders:

(a) Allowance of Transfers: To the extent required under final judgement, decree, or order (including approval of a property settlement agreement) made pursuant to a state domestic relations law, any portion of a Participant's Account may be paid or set aside for payment to a spouse, former spouse, or child of the Participant. Where necessary to carry out the terms of such an order, a separate Account shall be established with respect to the spouse, former spouse, or child who shall be entitled to make investment selections with respect thereto in the same manner as the Participant; any amount so set aside for a spouse, former spouse, or child shall be paid out in a lump sum at the earliest date that benefits may be paid to the Participant, unless the order directs a different time or form of payment. Nothing in this Section shall be construed to authorize any amount to be distributed under the Plan at a time or in a form that is not permitted under Section 457 of the Code. Any Payment made to a person other than the Participant pursuant to this Section shall be reduced by required income tax withholding; the fact that payment is made to a person other than the Participant may not prevent such payment from being includible in the gross income of the Participant for withholding and income tax reporting purposes.

(b) Release from Liability to Participant: The Employer's liability to pay benefits to a Participant shall be reduced to the extent that amounts have been paid or set aside for payment to a spouse, former spouse, or child pursuant to paragraph (a) of the Section. No such transfer shall be effectuated unless the Employer or Administrator has been provided with satisfactory evidence that the Employer and the Administrator are released from any further claim by the Participant with respect to such amounts. The Participant shall be deemed to have released the Employer and the Administrator from any claim with respect to such amounts, in any case in which (i) the Employer or Administrator has been served with legal process or otherwise joined in a proceeding relating to such transfer, (ii) the Participant has been notified of the pendency of such proceeding in the manner prescribed by the law of the jurisdiction in which the proceeding is pending for service of process in such action or by mail from the Employer or Administrator to the Participant's last known mailing address, and (iii) the Participant fails to obtain an order of the court in the proceeding relieving the Employer or Administrator from the obligation to comply with the judgment, decree, or order.

(c) Participation in Legal Proceedings: The Employer and Administrator shall not be obligated to defend against or set aside any judgement, decree, or order described in paragraph (a) any legal order relating to the garnishment of a Participant's benefits, unless the full expense of such legal action is borne by the Participant. In the event that the Participant's action (or inaction) nonetheless causes the Employer or Administrator to incur such expense, the amount of the expense may be charged against the Participant's Account and thereby reduce the Employer's obligation to pay benefits to the Participant. In the course of any proceeding relating to divorce, separation, or child support, the Employer and Administrator shall be authorized to disclose information relating to the Participant's Account to the Participant's spouse, former spouse, or child (including the legal representatives of the spouse, former spouse, or child), or to a court.

Article IX. Relationship to Other Plans and Employment Agreements

This plan serves in addition to any other retirement, pension, or benefit plan or system presently in existence or hereinafter established for the benefit of the Employer's employees, and participation hereunder shall not affect benefits receivable under any such plan or system. Nothing contained in this Plan shall be deemed to constitute an employment contract or agreement between any Participant and the Employer or to give any Participant the right to be retained in the employ of the Employer. Nor shall anything herein be construed to modify the terms of any employment contract or agreement between a Participant and the Employer.

Article X. Amendment or Termination of Plan

The Employer may at any time amend this Plan provided that it transmits such amendment in writing to the Administrator at least 30 days prior to the effective date of the amendment. The consent of the Administrator shall not be required in order for such amendment to become effective, but the Administrator shall be under no obligation to continue acting as Administrator hereunder if it disapproves of such amendment. The Employer may at any time terminate this Plan.

The Administrator may at any time propose an amendment to the Plan by an instrument in writing transmitted to the Employer at least 30 days before the effective date of the amendment. Such amendment shall become effective unless, within such 30-day period, the Employer notifies the Administrator in writing that it disapproves such amendment, in which case such amendment shall not become effective. In the event of such disapproval, the Administrator shall be under no obligation to continue

acting as Administrator hereunder. If this Plan document constitutes an amendment and restatement of the Plan as previously adopted by the Employer, the amendments contained herein shall become effective on January 1, 1996, and the terms of the preceding Plan document shall remain in effect through December 31, 1995.

Except as may be required to maintain the status of the Plan as an eligible deferred compensation plan under section 457 of the Code or to comply with other applicable laws, no amendment or termination of the Plan shall divest any Participant of any rights with respect to compensation deferred before the date of the amendment or termination.

Article XI. Applicable Law

This Plan shall be construed under the laws of the state where the Employer is located and is established with the intent that it meet the requirements of an "eligible deferred compensation plan" under Section 457 of the Code, as amended. The provisions of this Plan shall be interpreted wherever possible in conformity with the requirements of that section.

Article XII. Gender and Number

The masculine pronoun, whenever used herein, shall include the feminine pronoun, and the singular shall include the plural, except where the context requires otherwise.

DECLARATION OF TRUST OF ICMA RETIREMENT TRUST

Article I. Name and Definitions

Section 1.1 Name: The Name of the Trust created hereby is the ICMA Retirement Trust.

Section 1.2 Definitions: Wherever they are used herein, the following terms shall have the following respective meanings:

(a) **By-laws.** The By-laws referred to in Section 4.1 hereof, as amended from time to time.

(b) **Deferred Compensation Plan.** A deferred compensation plan established and maintained by a Public Employer for the purpose of providing retirement income and other deferred benefits to its employees in accordance with the provision of section 457 of the Internal Revenue Code of 1986, as amended.

(c) **Employees.** Those employees who participate in Qualified Plans.

(d) **Employer Trust.** A trust created pursuant to an agreement between RC and a Public Employer, or an agreement between RC and a Public Employer for administrative services that is not a trust, in either case for the purpose of investing and administering the funds set aside by such Employer in connection with its Deferred Compensation agreements with its employees or in connection with its Qualified Plan.

(e) **Investment Contract.** A non-negotiable contract entered into by the Retirement Trust with a financial institution that provides for a fixed rate of return on investment.

(f) **ICMA.** The International City/County Management Association.

(g) **ICMA/RC Trustees.** Those Trustees elected by the Public Employers who, in accordance with the provisions of Section 3.1(a) hereof, are also members of the Board of Directors of ICMA or RC (or in the case of RC, former members of the RC Board).

(h) **Investment Adviser.** The Investment Adviser that enters into a contract with the Retirement Trust to provide advice with respect to investment of the Trust Property.

(i) **Portfolios.** The separate commingled accounts of investment established by the Investment Adviser to the Retirement Trust, under the supervision of the Trustees, for the purpose of providing investments for the Trust Property.

(j) **Public Employee Trustees.** Those Trustees elected by the Public Employers who, in accordance with the provision of Section 3.1(a) hereof, are full-time employees of Public Employers.

(k) **Public Employer Trustees.** Public Employers who serve as trustees of the Qualified Plans.

(l) **Public Employer.** A unit of state or local government, or any agency or instrumentality thereof, that has adopted a Deferred Compensation Plan or a Qualified Plan and has executed this Declaration of Trust.

(m) **Qualified Plan.** A plan sponsored by a Public Employer for the purpose of providing retirement income to its employees which satisfies the qualification requirements of Section 401 of the Internal Revenue Code, as amended.

(n) **RC.** The International City Management Association Retirement Corporation.

(o) **Retirement Trust.** The Trust created by this Declaration of Trust.

(p) **Trust Property.** The amounts held in the Retirement Trust on behalf of the Public Employers in connection with Deferred Compensation Plans and on behalf of the Public Employer Trustees for the exclusive benefit of Employees pursuant to Qualified Plans. The Trust Property shall include any income resulting from the investment to the amounts so held.

(q) **Trustees.** The Public Employee Trustees and ICMA/RC Trustees elected by the Public Employers to serve as members of the Board of Trustees of the Retirement Trust.

Article II. Creation and Purpose of the Trust; Ownership of Trust Property

Section 2.1 Creation: The Retirement Trust was created by the execution of this Declaration of Trust by the initial Trustees and Public Employers and is established with respect to each participating Public Employer by adoption of this Declaration of Trust.

Section 2.2 Purpose: The purpose of the Retirement Trust is to provide for the commingled investment of funds held by the Public Employers in connection with their Deferred Compensation and Qualified Plans. The Trust Property shall be invested in the Portfolios, in Investment Contracts, and in other investments recommended by the Investment Adviser under the supervision of the Board of Trustees. No part of the Trust Property will be invested in securities issued by Public Employers.

Section 2.3 Ownership of Trust Property: The Trustees shall have legal title to the Trust Property. The Public Employers shall be the beneficial owners of the portion of the Trust Property allocable to the Deferred Compensation Plans. The portion of the Trust Property allocable to the Qualified Plans shall be held for the Public Employer Trustees for the exclusive benefit of the Employees.

Article III. Trustees

Section 3.1 Number and Qualification of Trustees:

(a) The Board of Trustees shall consist of nine Trustees. Five of the Trustees shall be full-time employees of a Public Employer (the Public Employee Trustees) who are authorized by such Public Employer to serve as Trustee. The remaining four Trustees shall consist of two persons who, at the time of election to the Board of Trustees, are members of the Board of Directors of ICMA and two persons who, at the time of election, are members or former members of the Board of Directors of RC (the ICMA/RC Trustees). One of the Trustees who is a director of ICMA, and one of the Trustees who is a director of RC, shall, at the time of election, be full-time employees of Public Employers. (b) No person may serve as a Trustee for more than two terms in any ten-year period.

Section 3.2 Election and Term: (a) Except for the Trustees appointed to fill vacancies pursuant to Section 3.5 hereof, the Trustees shall be elected by a vote of a majority of the voting Public Employers in accordance with the procedures set forth in the By-Laws. (b) At the first election of Trustees, three Trustees shall be elected for a term of three years, three Trustees shall be elected for a term of two years and three Trustees shall be elected for a term of one year. At each subsequent election, three Trustees shall be elected, each to serve for a term of three years and until his or her successor is elected and qualified.

Section 3.3 Nominations: The Trustees who are full-time employees of Public Employers shall serve as the Nominating Committee for the Public Employee Trustees. The Nominating Committee shall choose candidates for Public Employee Trustee in accordance with the procedures set forth in the By-Laws.

Section 3.4 Resignation and Removal: (a) Any Trustee may resign as Trustee (without need for prior or subsequent accounting) by an instrument in writing signed by the Trustee and delivered to the other Trustees and such resignation shall be effective upon such delivery, or at a later date according to the terms of the instrument. Any of the Trustees may be removed for cause, by a vote of a majority of the Public Employers. (b) Each Public Employee Trustee shall resign his or her position as Trustee within sixty days of the date on which he or she ceases to be a full-time employee of a Public Employer.

Section 3.5 Vacancies: The term of office of a Trustee shall terminate and a vacancy shall occur in the event his or her death, resignation, removal, adjudicated incompetence or other incapacity to perform the duties of the office of a Trustee. In the case of a vacancy, the remaining Trustees shall appoint such person as they in their discretion shall see fit (subject to the limitations set forth in this Section), to serve for the

unexpired portion of the term of the Trustee who has resigned or otherwise ceased to be a Trustee. The appointment shall be made by a written instrument signed by a majority of the Trustees. The person appointed must be the same type of Trustee (i.e., Public Employee Trustee or ICMA/RC Trustee) as the person who has ceased to be a Trustee. An appointment of a Trustee may be made in anticipation of a vacancy to occur at a later date by reason of retirement or resignation, provided that such appointment shall not become effective prior to such retirement or resignation. Whenever a vacancy shall occur, until such vacancy is filled as provided in this Section 3.5, the Trustees in office, regardless of their number, shall have all the powers granted to the Trustees and shall discharge all the duties imposed upon the Trustees by this Declaration. A written instrument certifying the existence of a vacancy signed by a majority of the Trustees shall be conclusive evidence of the existence of such vacancy.

Section 3.6 Trustees Serve in Representative Capacity: By executing this Declaration, each Public Employer agrees that the Public Employee Trustees elected by the Public Employers are authorized to act as agents and representatives of the Public Employers collectively.

Article IV. Powers of Trustees

Section 4.1 General Powers: The Trustees shall have the power to conduct the business of the Trust and to carry on its operations. Such power shall include, but shall not be limited to, the power to:

- (a) receive the Trust Property from the Public Employers, Public Employer Trustees or the trustee or administrator under any Employer Trust;
- (b) enter into a contract with an Investment Adviser providing, among other things, for the establishment and operation of the Portfolios, selection of the Investment Contracts in which the Trust Property may be invested, selection of the other investments for the Trust Property and the payment of reasonable fees to the Investment Adviser and to any sub-investment adviser retained by the Investment Adviser;
- (c) review annually the performance of the Investment Adviser and approve annually the contract with such Investment Adviser;
- (d) invest and reinvest the Trust Property in the Portfolios, the Investment Contracts and in any other investment recommended by the Investment Adviser, but not including securities issued by Public Employers, provided that if a Public Employer has directed that its monies be invested in one or more specified Portfolios or in an Investment Contract, the Trustees of the

Retirement Trust shall invest such monies in accordance with such directions;

- (e) keep such portion of the Trust Property in cash or cash balances as the Trustees, from time to time, may deem to be in the best interest of the Retirement Trust created hereby without liability for interest thereon;
- (f) accept and retain for such time as they may deem advisable any securities or other property received or acquired by them as Trustees hereunder, whether or not such securities or other property would normally be purchased as investment hereunder;
- (g) cause any securities or other property held as part of the Trust Property to be registered in the name of the Retirement Trust or in the name of a nominee, and to hold any investments in bearer form, but the books and records of the Trustees shall at all times show that all such investments are a part of the Trust Property;
- (h) make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;
- (i) vote upon any stock, bonds, or other securities; give general or special proxies or powers of attorney with or without power of substitution; exercise any conversion privileges, subscription rights, or other options, and make any payments incidental thereto; oppose, or consent to, or otherwise participate in, corporate reorganizations or to other changes affecting corporate securities, and delegate discretionary powers and pay any assessments or charges in connection therewith; and generally exercise any of the powers of an owner with respect to stocks, bonds, securities or other property held as part of the Trust Property;
- (j) enter into contracts or arrangements for goods or services required in connection with the operation of the Retirement Trust, including, but not limited to, contracts with custodians and contracts for the provision of administrative services;
- (k) borrow or raise money for the purposes of the Retirement Trust in such amount, and upon such terms and conditions, as the Trustees shall deem advisable, provided that the aggregate amount of such borrowings shall not exceed 30% of the value of the Trust Property. No person lending money to the Trustees shall be bound to see the application of the money lent or to inquire into its validity, expediency or propriety or any such borrowing;
- (l) incur reasonable expenses as required for the operation of the Retirement Trust and deduct such

expenses from of the Trust Property;

- (m) pay expenses properly allocable to the Trust Property incurred in connection with the Deferred Compensation Plans, Qualified Plans, or the Employer Trusts and deduct such expenses from that portion of the Trust Property to which such expenses are properly allocable;
- (n) pay out of the Trust Property all real and personal property taxes, income taxes and other taxes of any and all kinds which, in the opinion of the Trustees, are properly levied, or assessed under existing or future laws upon, or in respect of, the Trust Property and allocate any such taxes to the appropriate accounts;
- (o) adopt, amend and repeal the By-laws, provided that such By-laws are at all times consistent with the terms of this Declaration of Trust;
- (p) employ persons to make available interests in the Retirement Trust to employers eligible to maintain a Deferred Compensation Plan under Section 457 or a Qualified Plan under Section 401 of the Internal Revenue Code, as amended;
- (q) issue the Annual Report of the Retirement Trust, and the disclosure documents and other literature used by the Retirement Trust;
- (r) in addition to conducting the investment program authorized in Section 4.1(d), make loans, including the purchase of debt obligations, provided that all such loans shall bear interest at the current market rate;
- (s) contract for, and delegate any powers granted hereunder to, such officers, agents, employees, auditors and attorneys as the Trustees may select, provided that the Trustees may not delegate the powers set forth in paragraphs (b), (c) and (o) of this Section 4.1 and may not delegate any powers if such delegation would violate their fiduciary duties;
- (t) provide for the indemnification of the Officers and Trustees of the Retirement Trust and purchase fiduciary insurance;
- (u) maintain books and records, including separate accounts for each Public Employer, Public Employer Trustee or Employer Trust and such additional separate accounts as are required under, and consistent with, the Deferred Compensation or Qualified Plan of each Public Employer; and
- (v) do all such acts, take all such proceedings, and exercise all such rights and privileges, although not specifically mentioned herein, as the Trustees may deem necessary or appropriate to administer the Trust Property and to carry out the purposes of the Retirement Trust.

Section 4.2 Distribution of Trust Property: Distributions of the Trust property shall be made to, or on behalf of, the Public Employer or Public Employer Trustee, in accordance with the terms of the Deferred Compensation Plans, Qualified Plans or Employer Trusts. The Trustees of the Retirement Trust shall be fully protected in making payments in accordance with the directions of the Public Employers, Public Employer Trustees or trustees or administrators of any Employer Trust without ascertaining whether such payments are in compliance with the provisions of the applicable Deferred Compensation or Qualified Plan or Employer Trust.

Section 4.3 Execution of Instruments: The Trustees may unanimously designate any one or more of the Trustees to execute any instrument or document on behalf of all, including but not limited to the signing or endorsement of any check and the signing of any applications, insurance and other contracts, and the action of such designated Trustee or Trustees shall have the same force and effect as if taken by all the Trustees.

Article V. Duty of Care and Liability of Trustees

Section 5.1 Duty of Care: In exercising the powers hereinbefore granted to the Trustees, the Trustees shall perform all acts within their authority for the exclusive purpose of providing benefits for the Public Employers in connection with Deferred Compensation Plans and Public Employer Trustees pursuant to Qualified Plans, and shall perform such acts with the care, skill, prudence and diligence in the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

Section 5.2 Liability: The Trustees shall not be liable for any mistake of judgment or other action taken in good faith, and for any action taken or omitted in reliance in good faith upon the books of account or other records of the Retirement Trust, upon the opinion of counsel, or upon reports made to the Retirement Trust by any of its officers, employees or agents or by the Investment Adviser or any sub-investment adviser, accountant, appraiser or other expert or consultant selected with reasonable care by the Trustees, officers or employees of the Retirement Trust. The Trustees shall also not be liable for any loss sustained by the Trust Property by reason of any investment made in good faith and in accordance with the standard of care set forth in Section 5.1.

Section 5.3 Bond: No Trustee shall be obligated to give any bond or other security for the performance of any of his or her duties hereunder.

Article VI. Annual Report to Shareholders

The Trustees shall annually submit to the Public Employers and Public Employer Trustees a written report of the transactions of the Retirement Trust, including financial statements which shall be certified by independent public accountants chosen by the Trustees.

Article VII. Duration or Amendment of Retirement Trust

Section 7.1 Withdrawal: A Public Employer or Public Employer Trustee may, at any time, withdraw from this Retirement Trust by delivering to the Board of Trustees a written statement of withdrawal. In such statement, the Public Employer or Public Employer Trustee shall acknowledge that the Trust Property allocable to the Public Employer is derived from compensation deferred by employees of such Public Employer pursuant to its Deferred Compensation Plan or from contributions to the accounts of Employees pursuant to a Qualified Plan, and shall designate the financial institution to which such property shall be transferred by the Trustees of the Retirement Trust or by the trustee or administrator under an Employer Trust.

Section 7.2 Duration: The Retirement Trust shall continue until terminated by the vote of a majority of the Public Employers, each casting one vote. Upon termination, all of the Trust Property shall be paid out to the Public Employers, Public Employer Trustees or the trustees or administrators of the Employer Trusts, as appropriate.

Section 7.3 Amendment: The Retirement Trust may be amended by the vote of a majority of the Public Employers, each casting one vote.

Section 7.4 Procedure: A resolution to terminate or amend the Retirement Trust or to remove a Trustee shall be submitted to a vote of the Public Employers if: (i) a majority of the Trustees so direct, or; (ii) a petition requesting a vote signed by not less than 25 percent of the Public Employers, is submitted to the Trustees.

Article VIII. Miscellaneous

Section 8.1 Governing Law: Except as otherwise required by state or local law, this Declaration of Trust and the Retirement Trust hereby created shall be construed and regulated by the laws of the District of Columbia.

Section 8.2 Counterparts: This Declaration may be executed by the Public Employers and Trustees in two or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-368

A RESOLUTION AUTHORIZING UNREPRESENTED MANAGEMENT AND CONFIDENTIAL EMPLOYEES AND EXECUTIVE MANAGERS, INCLUDING COUNCIL APPOINTEES, AN OPTIONAL ONE-TIME OPPORTUNITY TO CASHOUT UP TO SIXTEEN HOURS OF ACCRUED LEAVE TIME IN DECEMBER, 1996.

WHEREAS, the Council desires to offer unrepresented Management and Confidential employees and Executive Managers, including Council appointees, an optional one-time opportunity to cashout up to sixteen (16) hours of accrued leave time in December, 1996, and

WHEREAS, said cashouts will assist in reducing the City's total liability for accrued leave balances and will provide a cash benefit to Management and Confidential employees and Executive Managers, and

WHEREAS, leave accruals available for cashout shall include all leave time except sick leave, and

WHEREAS, the specific requirements and procedures for such cashouts shall be as established by the City Manager,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an optional, one-time cashout of up to sixteen (16) hours of accrued leave time for unrepresented Management and Confidential employees and Executive Managers, including Council appointees, said cashouts shall be paid out in paychecks for the pay period ending December 9, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McKinsey

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-369

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND DOW ASSOCIATES FOR PAVEMENT CONDITION SURVEY SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and Dow Associates for pavement condition survey services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-370

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$23,000 FOR PAVEMENT
CONDITION SURVEY SERVICES

BE IT RESOLVED by the Council of the City of Modesto that the following
appropriation transfers are approved:

From 070-430-F680-6040, \$ 9,000
070-430-F682-6040, \$14,000

To 070-430-F681-6010, \$23,000

Funds are being transferred to fully fund the contract
to survey the pavement condition on all City streets.
This was last done in 1988. Information will be input
into the City's Pavement Management System to help
prioritize rehabilitation work on all City streets.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 25th day of June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION 96-371

A RESOLUTION AMENDING THE FISCAL YEAR 1995-96 ANNUAL OPERATING BUDGET TO RE-ESTIMATE REVENUE AND APPROPRIATE FUNDS FOR YOUTH SCHOLARSHIPS.

WHEREAS, the Youth Financial Assistance Program was initiated to assist lower income families with the cost of youth activities.

WHEREAS, the program pays ninety percent of the cost and the participant pays the other ten percent.

WHEREAS, the Community Development Block Grant (CDBG) budget is providing a grant for \$5,000 to assist in the program.

WHEREAS, this money is to be added to the current budgeted amount.

WHEREAS, the following adjustments are necessary:

Fund/Agy/Org Revenue/Expenses		Increase (Decrease)
010-370-3715-4074	Miscellaneous Revenue	\$5,000
010-370-3715-1060	Youth Scholarships	\$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 June, 1996, 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, McClanahan, McKinsey, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-372

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS AREA ASSOCIATION OF GOVERNMENTS (SAAG) TO COMPLY WITH NEW STATE LAW REGARDING THE ABANDONED VEHICLE ABATEMENT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement between the City of Modesto and SAAG to comply with new State law regarding the abandoned Vehicle Abatement Program 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 25th day of June, 1996, 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, McClanahan, McKinsey,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-373

A RESOLUTION APPROVING A 60-DAY EXTENSION TO THE COMMUNICATIONS CENTER AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the 60-day extension of the agreement for services between the City of Modesto and Stanislaus County for the Communications Center be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-374

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF CAROLE RICHARD FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE JUNE 25, 1996

WHEREAS, Carole Richard was appointed a member of the Community Qualities Forum on November 28, 1995; and

WHEREAS, Carole Richard has tendered her resignation from the Community Qualities Forum, effective June 25, 1996; and

WHEREAS, Carole Richard 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 Carole Richard from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Carole Richard 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 25th day of June, 1996, 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 96-375

A RESOLUTION ADOPTING A REVISED SCHEDULE OF RATES AND CHARGES FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO, AND SUPERSEDING RESOLUTION NO. 95-312.

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. 95-312, adopted a schedule of rates and charges for garbage service in the City of Modesto, and

WHEREAS, the Council Utility Services and Franchise Committee has recommended to the City Council a revised schedule of rates and charges for garbage service in the City of Modesto, commencing July 1, 1996, and

WHEREAS, July 2, 1996, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, was set as the date, time and place for consideration of said recommended revisions of rates and charges for garbage service in the City of Modesto, and

WHEREAS, a duly noticed public hearing was held at said time and place, at which time evidence, both oral and documentary, was received and considered, and

WHEREAS, a report dated June 20, 1996, from the Public Works and Transportation Department, a copy of which is on file

in the office of the City Clerk, sets forth recommended revisions of rates and charges for the collection of garbage in the City of Modesto, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Charges for Garbage Service, which is attached hereto, is hereby adopted as the revised schedule of rates and charges to be charged by all licensed collectors of garbage in the City of Modesto for garbage service effective July 1, 1996, 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. 95-312 is hereby superseded, effective July 1, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1996, by Councilmember McKinsey, who moved its 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, McKinsey, Serpa, Mayor Lang

NOES: Councilmembers: Friedman

ABSENT: Councilmembers: Fisher, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

July 1, 1996

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

Monthly Rates

(Once a Week Pickup Service)

Existing customers prior to July 1, 1996, shall pay the following rates:

One 60 gallon container	\$12.69
One 90 gallon container	15.15
Each additional container	11.98

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. Each additional container will be charged \$11.98 per month. Requests for a 60 gallon container shall be approved by the Solid Waste Management office.

The above standard container rates shall apply for service when containers are placed in a location set forth in Section 5-5.10 of the Municipal Code Container Locations (a-1) (a-2) (a-3) (a-4) or (a-5).

DETACHABLE CONTAINERS

Number of Collections Per Week

Container Size	1	2	3	4	5	6
1 CY	30.50	50.50	70.49	90.49	110.48	130.48
1-1/2 CY	40.50	70.50	100.50	130.50	160.49	190.49
2 CY	50.50	90.49	130.48	170.47	210.45	250.44
3 CY	70.49	130.48	190.46	250.44	310.43	370.41
4 CY	90.49	170.47	250.44	330.42	410.40	490.38
5 CY	110.48	210.45	310.43	410.40	510.38	610.35
6 CY	130.48	250.44	370.41	490.38	610.35	730.32

DETACHABLE CONTAINER RENTAL RATES
ARE INCLUDED IN ABOVE SCHEDULE

Detachable container size	1 CY to 6 CY
Monthly rental rate	10.00

DROP BOX CONTAINERS

Pickup charge \$110.00 Pickup
Rental 2.00 Day with \$50.00 maximum for each 30-day rental period
Disposal charge Actual charge to be paid by customer

Garbage company will provide up to 40 CY Drop-box containers for above stated charges subject only to load limit of transfer vehicle.

COMPACTORS

Number of collections per week

Front Loader Type

Size	1	2	3	4	5	6
3 CY	96.36	192.72	289.08	385.44	481.80	578.16
4 CY	124.05	248.09	372.14	496.19	620.24	744.28

Roll-Off Type - 6 CY to 40 CY \$110.00 per pickup
Washing of compactor at the request of customer \$30.
Disposal charge: Actual charge to be paid by customer.

EXTRA PICKUPS

Standard containers or equivalent \$ 3.50 plus \$0.60/container
Detachable containers \$12.00 plus \$2.50/CY

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and the customer. In case of dispute the Public Works and Transportation Director shall make a determination and his decision shall be final.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

<u>1 CY</u>	<u>1 1/2 CY</u>	<u>2 CY</u>	<u>3 CY</u>	<u>4 CY</u>	<u>5 CY</u>	<u>6 CY</u>
10.12	11.00	12.10	15.40	20.24	25.08	29.92

NOTATIONS

1. The above residential rates include the \$.10 per month per household recycling surcharge.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-376

A RESOLUTION APPROVING AN AGREEMENT WITH COMMUNITY REINVESTMENT FUND,
INCORPORATED TO PROVIDE LOAN SERVICING FOR THE ECONOMIC DEVELOPMENT LOAN
PORTFOLIOS

BE IT RESOLVED by the Council of the City of Modesto that the agreement
with Community Reinvestment Fund, Incorporated, to provide loan servicing for
the Economic Development Loan Portfolios 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 July, 1996, 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: Dobbs, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-377

A RESOLUTION APPROVING AN AGREEMENT WITH THE COUNTY OF STANISLAUS TO PROVIDE MAINTENANCE AND MANAGEMENT OF THE COUNTY'S TRAFFIC SIGNAL SYSTEM

BE IT RESOLVED by the Council of the City of Modesto that the agreement with the County of Stanislaus to provide maintenance and management of the County's traffic signal system, be and it is hereby resolved.

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 July, 1996, 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:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

**MDESTO CITY COUNCIL
RESOLUTION 96-378**

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ESTIMATE AND APPROPRIATE REVENUE FOR A NEW CAPITAL IMPROVEMENT PROJECT, "STANISLAUS COUNTY TRAFFIC SIGNAL MAINTENANCE".

WHEREAS, Stanislaus County has requested that we maintain and manage their traffic signal system to improve response times. The City of Modesto has qualified personnel to provide this service and will benefit from the revenues derived from this venture. Also, the traffic flow between both cities will be managed by one entity, therefore benefitting both jurisdictions.

WHEREAS, it is estimated that the cost to maintain and manage the Stanislaus County traffic signals will be \$30,000 per year. This cost only accounts for labor, equipment and overhead. The cost for parts will be additional on an as-needed basis.

WHEREAS, the following adjustments are necessary:

Gas Tax Fund (070)

Fund/Agy/Org		Increase
Expenditures		(Decrease)
070-160-H991-6040	Stanislaus County Traffic Signal Maintenance Project	\$30,000
Fund/Agy/Org		Increase
Revenues		(Decrease)
070-510-9510-3310	County Contribution	\$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 2nd day of July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Friedman, McClanahan, McKinsey, Serpa, 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. 96-379

A RESOLUTION APPOINTING RANDY SUMMERS TO CITY OF MODESTO 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. Randy Summers is hereby appointed to the Modesto Human
Relations Commission, with 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 Modesto 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 2nd day of July, 1996, 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: Dobbs, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-380

A RESOLUTION APPOINTING JOHN GARCIA AND NEMI HARRIS TO CITY OF MODESTO
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. John Garcia and Nemi Harris are hereby appointed to the Affirmative Action Commission, with 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 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 2nd day of July, 1996, 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: Dobbs, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-381

A RESOLUTION APPOINTING BARBARA PARRILL TO THE CITY OF MODESTO 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. Barbara Parrill is hereby appointed to the Landmark
Preservation Commission with term expiration of January 1, 1997.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 2nd day of July, 1996, 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: Dobbs, Friedman, McClanahan, McKinsey, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clark
3

MODESTO CITY COUNCIL
RESOLUTION NO. 96-382

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(514). (GALLO
GLASS CO.)

WHEREAS, a verified application for an amendment to
Section 33-3-9 of the Zoning Map was filed by Gallo Glass Co. on
March 28, 1996, to reclassify from Low Density Residential Zone,
R-1, Professional Office Zone, P-O, and Light Industrial Zone,
M-1, to Planned Development Zone, P-D, to allow a GSL printing
facility, property located on the north side of Yosemite
Boulevard, west of Dry Creek and east of D street, described as
follows:

R-1, P-O, and M-1 to P-D(514)

All that certain real property situate in a portion of
the south half of Section 33, Township 3 South, Range 9
East, Mount Diablo Base and Meridian, in the County of
Stanislaus, State of California, described as follows:

- 1) Lots 9 thru 16 of Block 216 as shown on City maps
and all of Block 217 as shown on City maps,

including also the south one-half of Jennie
Street, the north one-half of Yosemite Boulevard,
all of Groveland Street, all of Willow Street, and
the east one-half of an alley, all immediately
adjacent to the above described property.
- 2) Starting at the north quarter-corner of said
section, thence easterly along the north section
line 37 feet more or less to the centerline of Dry
Creek, thence southeasterly along the centerline
of said Dry Creek 101 feet more or less to a point
on the north side of Yosemite Boulevard, thence
southwesterly along a non-tangent curve also being
the northerly line of Yosemite Boulevard 154 feet
more or less to the intersection of a non-tangent
line, thence southeasterly along said non-tangent
line 32 feet, thence southwesterly along a non-
tangent curve also being the northerly line of

Yosemite Boulevard 339 feet more or less, thence northerly along the east line of 60 foot Willow Street 262 feet more or less, thence easterly along the north line of said Section 415 feet more or less to the point of beginning.

Including also the north half of Yosemite Boulevard, all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on May 20, 1996, 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. 96-26, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. This type of infill development is consistent with the Modesto Area General Plan.
2. Economic development is consistent with the goals of the City of Modesto.

and

WHEREAS, after a public hearing held on July 9, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Gallo Glass Co. 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. 96-26 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2994 -C.S. on the 9th day of July, 1996, reclassifying the above-described property from Low Density

Residential Zone, R-1, Professional Office Zone, P-O, and Light Industrial Zone, M-1, to Planned Development Zone, P-D(514).

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

1. All development shall conform to the plot plan and floor plans titled "Master Site Plan - New GSL Printing Facility" as amended in red, stamped approved by the City Council on July 9, 1996.
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. Prior to the issuance of a building permit, the applicant shall provide alternate plans subject to the approval of the Director of Parks and Recreation for the linkage of a bicycle path between the corner of Morton Boulevard and Jennie Street to the Morton Boulevard area that goes under the Yosemite Boulevard bridge and the Grand Street bridge. These alternate bicycle path plans shall be executed pursuant to the abandonments of the pertinent rights of way.
4. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
5. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans. A striping plan and encroachment permit shall be approved and

secured by Caltrans pertaining to surrounding Yosemite Boulevard.

6. Prior to issuance of a building permit the developer shall accomplish all pertinent abandonments including Groveland, Willow, a north-south alley and a Morton Boulevard easement.
7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
8. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works and Transportation Director.
9. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.
10. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.
11. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a P-D Zone approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the 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(514):

The entire construction program be accomplished in two phases:

Phase I - Construction to begin on or before May 20, 1998, and completion to be not later than May 20, 1999.

Phase II - Construction to begin on or before May 20, 1999, and completion to be not later than May 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 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(514), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1996, 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: Dobbs, Fisher, McClanahan, Serpa, Mayor Lang

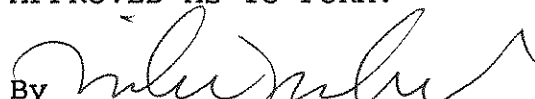
NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

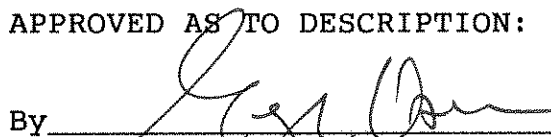
ATTEST: 
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By 
Community Development Department
Development Services

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 96-383

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 33-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, PROFESSIONAL OFFICE ZONE, P-O, AND LIGHT INDUSTRIAL ZONE, M-1, TO PLANNED DEVELOPMENT ZONE, P-D(514), PROPERTY LOCATED ON THE NORTH SIDE OF YOSEMITE BOULEVARD WEST OF DRY CREEK AND EAST OF D STREET. (GALLO GLASS CO.)

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, Gallo Glass Co. has proposed that the zoning designation for the property located on the north side of Yosemite Boulevard, west of Dry Creek and east of D Street be amended to rezone from Low Density Residential Zone, R-1, Professional Office Zone, P-O, and Light Industrial Zone, M-1, to Planned Development Zone, P-D(514), property located on the north side of Yosemite Boulevard, west of Dry Creek and east of D Street, in the City of Modesto ("the project"), and

WHEREAS, on May 7, 1996, the City's Community Development Department by Environmental Assessment 96-58 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 May 20, 1996, 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 May 7, 1996, 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 9th day of July, 1996, 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: Dobbs, Fisher, McClanahan, Serpa,
Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-384

A RESOLUTION ACCEPTING THE BID OF WICKUM CONSTRUCTION FOR THE CROWS LANDING
DRAINAGE BASIN OUTFALL REPAIR PROJECT

WHEREAS, the bids received for the Crows Landing Drainage Basin Outfall Repair project were opened at 2:05 p.m. on June 25, 1996, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Wickum Construction in the amount of \$23,688.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wickum 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 9th day of July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-385

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE LA LOMA/MORTON
BRIDGE RIP RAP INSTALLATION PROJECT

WHEREAS, the bids received for the recoating of Clarifier No. 1 at the Water Quality Control Plant were opened at 2:10 p.m., on June 25, 1996, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Ross F. Carroll, Inc. in the amount of \$27,600.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ross F. Carroll, Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-386

A RESOLUTION DENYING THE APPLICATION OF JOSEPH C. WAGNER FOR AN ALCOHOL BEVERAGE CONTROL LICENSE (TYPE 48), ON-SALE GENERAL PUBLIC PREMISES, FOR "CHARLIE'S SPIRITS", LOCATED AT 110 E. GRANGER AVENUE, IN THE CITY OF MODESTO.

WHEREAS, regulations require the State Alcoholic Beverage Control Board to review applications and to approve or deny applications based on undue concentration of liquor licenses in census tracts, pursuant to Business and Professions Code (Chapter 6, Article 1, Section 23958 et seq.), and

WHEREAS, denial of certain types of applications are now appealable to the "local governing body" to consider recommending approval of the license "if public convenience or necessity would best be served", and

WHEREAS, the Modesto City Council is the local governmental governing body to whom applicants requesting liquor licenses on premises in the City of Modesto may apply for a determination as to whether the public convenience or necessity would best be served by the issuance of an on-sale public premise retail liquor license at a requested location, and

WHEREAS, on February 27, 1996, by Resolution No. 96-84, the City Council adopted a policy entitled "Criteria for Variance to the ABC Standards", which provides criteria and conditions governing liquor license applications in the City of Modesto's jurisdiction, as well as providing for review and decision by an

Administrative Hearing Officer, and

WHEREAS, on June 11, 1996, by Resolution No. 96-332, the Council approved an amendment to said policy to include an Alcoholic Beverage Control Worksheet/Checklist, and

WHEREAS, Joseph C. Wagner filed an application with the Alcohol Beverage Control (ABC) Board for a new license, Type 48, which would authorize the sale of beer, wine and distilled spirits for consumption on the premises wherein no person under 21 years of age is allowed, plus the sale of beer and wine only for consumption off the premises where sold, located at 110 E. Granger Avenue, and

WHEREAS, on June 5 and 6, 1996, a hearing was conducted to review the merits of the application and to receive input from City staff, after which it was concluded by the Administrative Hearing Officer that the issuance of the license for 110 E. Granger did not meet established criteria, and said application was therefore denied, and

WHEREAS, by letter dated June 24, 1996, from Francis R. Ruggieri, on behalf of Joseph C. Wagner, an appeal was filed with the City Council, and

WHEREAS, said appeal was considered by the City Council at its regular meeting place in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, on July 9, 1996, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and

documentary, the Council found and determined that said application did not meet established criteria and should be denied as recommended by the Administrative Hearing Officer,

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

1. Issuance of a license for this location would add to an undue concentration in this area. The recommended license as allowed by the California Department of Alcohol Beverage Control is five and there are currently eleven on-sale licenses in this census tract.
2. The applicant's premises is located in a crime district that has a 20% or greater number of reported crimes than the average number of reported crimes as determined by all reporting districts within the jurisdiction of the local law enforcement agency. In the total reporting district city-wide, there is an average of 74.96 reported crimes. In Census Tract 11, where the proposed applicant wishes to conduct business, there were 221 reported crimes in the period of April 1, 1995, to April 1, 1996.
3. Significant residential growth in Census Tract 11 is not likely to occur and allow for increased license ratios.

BE IT FURTHER RESOLVED that, with respect to subparagraph (3) of Section 23958.4 of the Business and Professions Code, the ratio of on-sale retail liquor licenses to population in the census tract in which the applicant premises are located exceeds the ratio of on-sale retail liquor licenses to population in which the applicant premises are located, therefore, the application of Joseph C. Wagner for an on-sale retail liquor license for "Charlie's Spirits" located at 110 E.

Granger Avenue, in the City of Modesto, is hereby denied.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-387

A RESOLUTION APPROVING AN UPDATED CITY OF
MODESTO FLEXIBLE BENEFITS PLAN.

WHEREAS, the City Council originally adopted the City's Flexible Spending Plan on June 25, 1991, to provide favorable taxation for employee benefits, and said Plan defined the plan year as July 1 to June 30, and required a positive enrollment in the Salary Redirection Program, and

WHEREAS, the City-sponsored health, dental and vision programs have a plan year as August 1 to July 31, and

WHEREAS, City staff has recommended to the Council that the Flexible Benefits Plan year should coincide with the same time frame as the City-sponsored health, dental and vision programs to facilitate the open enrollment period,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the revisions as proposed by the City staff to provide that the Flexible Benefits Plan year shall be modified to coincide with the City-sponsored health, dental and vision programs to facilitate the open enrollment period from August 1 to July 31, are hereby approved. A copy of the updated City of Modesto Flexible Benefits Plan 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 9th day of July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-388

A RESOLUTION APPROVING AN AGREEMENT WITH WILLI O. AND ADELHEID COELER FOR THE CONSTRUCTION OF A SOUND WALL ALONG THEIR PROPERTY LINE IN CONNECTION WITH THE YOSEMITE AVENUE WIDENING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Willi O. and Adelheid Coeler for the construction of a sound wall along their property line, 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 July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-389

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED NEGATIVE DECLARATION, AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE STREET WIDENING AND SIGNAL MODIFICATION LOCATED AT YOSEMITE BOULEVARD FROM MC CLURE TO FRAZINE ROADS.

WHEREAS, on December 29, 1994, the City's Environmental Assessment Committee (EAC) conducted an initial study to street widening and signal modification project located at Yosemite Boulevard from McClure to Frazine Roads might have a significant effect on the environment, and

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

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

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

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

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

SECTION 1. The City Council has reviewed and considered the negative declaration proposed by the EAC

including the comments received in response to such proposed negative declaration.

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

SECTION 3. The Planning and Community Development Director of the City of Modesto is hereby directed to file, or cause to be filed, with the Stanislaus County Clerk a Notice of Determination 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 July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-390

A RESOLUTION APPROVING AN AGREEMENT WITH TOURAGE AND MAHSHID SOLEIMANI FOR THE ACQUISITION OF 0.421 ACRES OF RIGHT OF WAY AND 0.083 ACRES OF TEMPORARY EASEMENT NEEDED FOR THE YOSEMITE WIDENING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Tourage and Mahshid Soleimani for the acquisition of 0.421 acres of right of way and 0.083 acres of temporary easement needed for the Yosemite widening project for \$26,670.00, be and it is hereby resolved.

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 July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-391

A RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY FOR THE LEASE OF HANGAR NO. 1 AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Stanislaus County for the lease of Hangar No. 1 at the Modesto City-County Airport/Harry Sham Field be, and it is hereby resolved.

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 July, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-392

A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY CLERK OF THE CITY OF MODESTO TO EXECUTE A ROAD DEED TO THE COUNTY OF STANISLAUS FOR THE STREET LOCATED ON THE NORTH SIDE OF THE EMPIRE WEST NEIGHBORHOOD

BE IT RESOLVED by the Council of the City of Modesto that the City Manager and the City Clerk of the City of Modesto are hereby authorized to execute a Road Deed to the County of Stanislaus for the street located on the north side of the Empire West Neighborhood.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-393

A RESOLUTION APPROVING AN AGREEMENT WITH MODESTO JUNIOR COLLEGE AND YOSEMITE COMMUNITY COLLEGE DISTRICT FOR PARTICIPATION IN THE SUBSIDIZED FEDERAL WORK STUDY PROGRAM FOR THE 1996-97 AUGUST TO JUNE ACADEMIC YEAR

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Modesto Junior College and Yosemite Community College District for participation in the subsidized Federal Work Study Program for the 1996-97 August to June academic year be, and it is hereby resolved.

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 July, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-394

A RESOLUTION TERMINATING THE DRY CREEK LEASE AGREEMENT WITH MR. AND MRS. JAMES COLEMAN EFFECTIVE FEBRUARY 28, 1996

BE IT RESOLVED by the Council of the City of Modesto that the Dry Creek lease agreement with Mr. and Mrs. James Coleman is hereby terminated, effective February 28, 1996.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to send a letter of termination to Mr. and Mrs. Coleman, per the conditions of the agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-395

A RESOLUTION APPROVING A TEMPORARY CATERING AND CONCESSION AGREEMENT WITH THE
RED LION HOTEL

BE IT RESOLVED by the Council of the City of Modesto that a temporary catering and concession agreement with Red Lion Hotel be, and it is hereby resolved.

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 July, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk
④

MODESTO CITY COUNCIL
RESOLUTION NO. 96-396

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(513). (ERNIE
YOSHINO/FRANK SALAS JR.)

WHEREAS, a verified application for an amendment to
Section 28-3-9 of the Zoning Map was filed by Ernie Yoshino,
Architect, on behalf of Frank Salas, Jr. on April 8, 1996, to
reclassify from Medium Density Residential Zone, R-2, and
Neighborhood Commercial Zone, C-1, to Planned Development Zone,
P-D, to allow building and parking expansions to the Salas
Brothers Funeral Chapel, property located on the north side of
Scenic Drive, west of High Street, and east of Kimble Street,
described as follows:

R-2 to P-D(513)

All that certain real property situate in a portion of
the southeast quarter of the northwest quarter of
Section 28, Township 3 South, Range 9 East, Mount
Diablo Base and Meridian, in the County of Stanislaus,
State of California, described as follows:

Lots 12, 13, 26, and 27 of the MAP OF THE EASTERN
ADDITION TO THE CITY OF MODESTO, according to the
official Map, thereof, filed in the office of the
Recorder of Stanislaus County, California, on February
26, 1912, in Volume 6 of Maps at page 31.

Including also the east half of 60 foot Kimble Street;
the west half of 60 foot High Street; and the north,
east and west half of a 20 foot alley, all immediately
adjacent to the above described property.

C-1 to P-D(513)

All that certain real property situate in a portion of
the southeast quarter of the northwest quarter of
Section 28, Township 3 South, Range 9 East, Mount
Diablo Base and Meridian, in the County of Stanislaus,
State of California, described as follows:

Lots 14 thru 23 of the MAP OF THE EASTERN ADDITION TO THE CITY OF MODESTO, according to the official Map, thereof, filed in the office of the Recorder of Stanislaus County, California, on February 26, 1912, in Volume 6 of Maps at page 31.

Including also the north half of 80 foot Scenic Drive, the west half of 60 foot High Street, and south and west half of a 20 foot alley, all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on May 20, 1996, 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. 96-24, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone will facilitate relatively minor expansions of an existing commercial establishment.
2. The proposed P-D Zone will provide a general area upgrading by adding new pavement, separation walls, landscaping, and improved traffic flow.
3. The proposed P-D Zone conforms with the General Plan and the plans for the Redevelopment Area which acknowledge the current zoning and land use pattern.

and

WHEREAS, after a public hearing held on July 16, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Ernie Yoshino, Architect, on behalf of Frank Salas, Jr. 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. 96-24 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2995 -C.S. on the 16th day of July, 1996, reclassifying the above-described property from Medium Density Residential Zone, R-2, and Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(513).

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

1. All development shall conform to the plot plan and floor plans titled "Salas Bros. Funeral Chapel" as amended in red, stamped approved by the City Council on July 16, 1996.
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. Eight-foot- (8') high decorative masonry wall along the west 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. All signs shall comply with the sign requirements of the C-2 Zone.
6. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents,

officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a P-D Zone approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the 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(513):

The entire construction program be accomplished in one phase, construction to begin on or before May 20, 1998, and completion to be not later than May 20, 1999.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the

above-described property to Planned Development Zone, P-D(513), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

Clack

MODESTO CITY COUNCIL
RESOLUTION NO. 96-397

A RESOLUTION ADOPTING A COMPREHENSIVE USE
POLICY AND FEE SCHEDULE FOR USE OF FACILITIES
AND SERVICES PROVIDED BY THE PARKS AND
RECREATION DEPARTMENT AND RESCINDING
RESOLUTION NOS. 87-1293, 87-1294, 87-1295,
87-1298, 93-3, 93-4, 93-5, 93-6, 93-7, 93-8,
93-9, 93-10, 93-11, 93-12, AND 93-13.

WHEREAS, the Parks and Recreation Department has
proposed 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, the Parks and Recreation Department has
recommended the implementation of a comprehensive use policy 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, and has recommended seven use
priorities as set forth in Attachment "A" attached hereto and
incorporated herein by reference, and

WHEREAS, the Parks and Recreation Department has
recommended that the facilities and services provided by the
Parks and Recreation Department be grouped into rental categories
as set forth in Attachment "B" attached hereto and incorporated
herein by reference, and

WHEREAS, the Parks and Recreation Department has
recommended fees for facilities and services 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, said fees provided by the Parks and Recreation Department have been calculated for each facility or service and are set forth in Attachment "D" attached hereto and incorporated herein by reference, and

WHEREAS, fees for rental category A, Aquatic Facilities, are not included in this proposal, as they have previously been approved by the City Council separately, and

WHEREAS, the Parks and Recreation Department has recommended that one resolution be adopted which would cover the comprehensive use policy and fee schedule for use of facilities and services provided by the Parks and Recreation Department and that it would be appropriate to rescind certain resolutions, and

WHEREAS, consideration of said fees was set for a public hearing of the City Council to be held on July 16, 1996, at 7:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that 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 is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the implementation of a comprehensive use policy 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, and setting forth seven use priorities is hereby approved as set forth in Attachment "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the fees for facilities and services provided by the Parks and Recreation Department is hereby approved as set forth in Attachment "D" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that Resolution Nos. 87-1293, 87-1294, 87-1295, 87-1298, 93-3, 93-4, 93-5, 93-6, 93-7, 93-8, 93-9, 93-10, 93-11, 93-12, and 93-13, or any resolution in conflict with this resolution, are hereby rescinded effective July 16, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1996, by Councilmember McClanahan, 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, McClanahan,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

USE PRIORITY DESCRIPTIONS

Use Priority

- 1 Ordinance, Resolution, Policy or Written Agreement
Fee set according to provisions.

- 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)

- 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 require % 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 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

- 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

PARKS AND RECREATION DEPARTMENT
RENTAL CATEGORIES

A	B	C	D	E	F
Aquatic Facilities	Buildings	Mancini & Thurman	Multi-Purpose Facilities	Horseshoe Pits	Misc Equipment
Beyer HS Pool	Boy Scout Clubhouse	Mancini Bowl	La Loma MPF	Beyer Park	Assistive Listening Dev.
Davis HS Pool	Legion Hall	John Thurman Field	Mark Twain MPF	Enslin Park	Recreation Equip Bags
Downey HS Pool	Maddux Youth Center		Roosevelt MPF		
Johansen HS Pool	Modesto Com Svce Ctr		Somerset MPF		
Modesto HS Pool	McHenry Mansion				
Modesto JC Pool	McClatchy Square				
19 Park Pools	McHenry Museum				
	King Kennedy Mem Ctr				
	Senior Citizens Ctr				
G	H	I	J	K	
Picnic Areas/Shelter	Sports Fields	Community-Wide Event	Special Uses	Tennis Courts	
Beyer Park	Davis Baseball Field	Orchard Soccer Field	Filming	Beyer Park (6)	
Davis Park	Downey Baseball Field	M.Perkins Soccer Field	Mobile Barbecue	Davis Park (6)	
Downey Park	Enslin Baseball Field	Pike Soccer Field	Portable Stage	Downey Park (6)	
East La Loma Park	Beyer Softball Field (2)	Riverside Soccer Field	Portable Awning	East La Loma Park (4)	
Beard Brook Park	Beard Brook Softball Fld	Standiford Soccer Field	Portable P.A. System	Graceada Park (6)	
Beard Brook Shelter	Davis Softball Field	J Thurman Soccer Fld	Sales Permits Adj to Pks	Modesto HS (4)	
Graceada Park	Enslin Softball Field	Wesson Ranch Soc Fld	Special Park Use	Johansen HS (9)	
Legion Park	Mellis Softball Field	Downey Football Field	Parking Lot Use	Roosevelt Park (4)	
Mancini Park	Davis Soccer Field	Everett Football Field	Trail Use		
Mellis Park	Fairway Soccer Field	Pike Football Field			
Moose Park	Mancini Soccer Field (2)	Wesson Ranch FB Fld			
Tuolumne River Reg Pk					

**PARKS AND RECREATION DEPARTMENT
COST OF SERVICE WORKSHEET**

TYPE OF FEE: McHenry Museum, Main Floor, per 4 hours

	# Hours	Hourly Rate	Total Sal.	% Benefits	Total Benefits	\$ Subtotal	Category Total
I. RESERVATION PROCESSING							
Office Staff	0.5	12.655	6.33	52.45%	3.32	\$9.65	
II. EVENT STAFF							
Event Attendants (2)	10	8.32	83.2	9.00%	7.49	\$90.69	
Set-up/take down (2)	6	15.043	90.26	51.15%	46.17	\$136.42	
			Subtotals	179.78	56.972	\$236.75	
			Indirect Costs @	15.00% of salary		\$26.07	
			TOTAL PERSONNEL COSTS				\$262.82

Note: Cost factor is 2 potential uses per day x 365 days/yr. Cost Factor
730

II. CUSTODIAL SERVICE

Custodial Charges	\$	21060 /yr /365 days	\$57.70	\$57.70
-------------------	----	---------------------	---------	---------

III. MISCELLANEOUS COSTS

Utilities	\$	19246 /yr /Cost factor	\$26.36
Building Maintenance	\$	29012 /yr /Cost factor	\$39.74
Capital Reserve	\$	8100 /yr /Cost factor	\$11.10
Repair and Maintenance Contract	\$	1068 /yr /Cost factor	\$1.46
Property Insurance	\$	1635 /yr /Cost factor	\$2.24

TOTAL MISCELLANEOUS COSTS **\$80.91**

TOTAL COST **\$401.43**

Note: Cost per additional hour is \$40.23 (\$20.00 for staff and \$20.23 for miscellaneous costs).

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY B - BUILDINGS

Attachment D

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Boy Scout Clubhouse-per 4 hours	\$9 daytime, \$18 evenings	\$81.29		\$0	\$41	\$41	\$81	\$61	\$81	\$81	\$81	\$81	\$81	\$81	\$81
Proposed Fee 1996-97				\$0	\$20	\$20	\$40	\$30	\$40	\$40	\$40	\$40	\$40	\$40	\$40
Proposed Fee 1997-98				\$0	\$32	\$32	\$63	\$47	\$63	\$63	\$63	\$63	\$63	\$63	\$63
Proposed Fee 1998-99				\$0	\$43	\$43	\$86	\$65	\$86	\$86	\$86	\$86	\$86	\$86	\$86
Boy Scout Clubhouse-per 4 hours	N.A.		\$126.30	\$0	\$63	\$63	\$126	\$95	\$126	\$126	\$126	\$126	\$126	\$126	\$126
Proposed Fee 1996-97				\$0	\$43	\$43	\$85	\$64	\$85	\$85	\$85	\$85	\$85	\$85	\$85
Proposed Fee 1997-98				\$0	\$55	\$55	\$110	\$83	\$110	\$110	\$110	\$110	\$110	\$110	\$110
Proposed Fee 1998-99				\$0	\$67	\$67	\$134	\$101	\$134	\$134	\$134	\$134	\$134	\$134	\$134
Boy Scout Clubhouse-8am-5pm or 1pm-10pm	\$18 daytime, \$26 afternoon + evening	\$130.47		\$0	\$65	\$65	\$130	\$98	\$130	\$130	\$130	\$130	\$130	\$130	\$130
Proposed Fee 1996-97				\$0	\$35	\$35	\$70	\$53	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Proposed Fee 1997-98				\$0	\$52	\$52	\$104	\$78	\$104	\$104	\$104	\$104	\$104	\$104	\$104
Proposed Fee 1998-99				\$0	\$69	\$69	\$138	\$104	\$138	\$138	\$138	\$138	\$138	\$138	\$138
Boy Scout Clubhouse-8am-5pm or 1pm-10pm	N.A.		\$225.48	\$0	\$113	\$113	\$225	\$169	\$225	\$225	\$225	\$225	\$225	\$225	\$225
Proposed Fee 1996-97				\$0	\$93	\$93	\$185	\$139	\$185	\$185	\$185	\$185	\$185	\$185	\$185
Proposed Fee 1997-98				\$0	\$106	\$106	\$212	\$159	\$212	\$212	\$212	\$212	\$212	\$212	\$212
Proposed Fee 1998-99				\$0	\$120	\$120	\$239	\$179	\$239	\$239	\$239	\$239	\$239	\$239	\$239
Boy Scout Clubhouse-all day	\$26	\$179.65		\$0	\$90	\$90	\$180	\$135	\$180	\$180	\$180	\$180	\$180	\$180	\$180
Proposed Fee 1996-97				\$0	\$45	\$45	\$90	\$68	\$90	\$90	\$90	\$90	\$90	\$90	\$90
Proposed Fee 1997-98				\$0	\$70	\$70	\$140	\$105	\$140	\$140	\$140	\$140	\$140	\$140	\$140
Proposed Fee 1998-99				\$0	\$95	\$95	\$190	\$143	\$190	\$190	\$190	\$190	\$190	\$190	\$190
Boy Scout Clubhouse-all day	N.A.		\$324.66	\$0	\$162	\$162	\$325	\$243	\$325	\$325	\$325	\$325	\$325	\$325	\$325
Proposed Fee 1996-97				\$0	\$118	\$118	\$235	\$176	\$235	\$235	\$235	\$235	\$235	\$235	\$235
Proposed Fee 1997-98				\$0	\$145	\$145	\$290	\$218	\$290	\$290	\$290	\$290	\$290	\$290	\$290
Proposed Fee 1998-99				\$0	\$173	\$173	\$345	\$259	\$345	\$345	\$345	\$345	\$345	\$345	\$345
Maddux Youth Center-per 2 hours	\$52	\$135.02		\$0	\$68	\$68	\$135	\$101	\$135	\$135	\$135	\$135	\$135	\$135	\$135
Proposed Fee 1996-97				\$0	\$68	\$68	\$135	\$101	\$135	\$135	\$135	\$135	\$135	\$135	\$135
Proposed Fee 1997-98				\$0	\$70	\$70	\$139	\$104	\$139	\$139	\$139	\$139	\$139	\$139	\$139
Proposed Fee 1998-99				\$0	\$72	\$72	\$143	\$107	\$143	\$143	\$143	\$143	\$143	\$143	\$143

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Maddux Youth Center- each additional 2 hours	N.A.		\$86.98	\$0	\$43	\$43	\$87	\$65	\$87	\$87	\$87	\$87	\$87	\$87	\$87
Proposed Fee 1996-97				\$0	\$43	\$43	\$87	\$65	\$87	\$87	\$87	\$87	\$87	\$87	\$87
Proposed Fee 1997-98				\$0	\$45	\$45	\$90	\$67	\$90	\$90	\$90	\$90	\$90	\$90	\$90
Proposed Fee 1998-99				\$0	\$46	\$46	\$92	\$69	\$92	\$92	\$92	\$92	\$92	\$92	\$92
Modesto Community Service Center- Auditorium & Kitchen, per 4 hours	\$70	\$305.23		\$0	\$153	\$153	\$305	\$229	\$305	\$305	\$305	\$305	\$305	\$305	\$305
Proposed Fee 1996-97				\$0	\$100	\$100	\$200	\$150	\$200	\$200	\$200	\$200	\$200	\$200	\$200
Proposed Fee 1997-98				\$0	\$131	\$131	\$262	\$197	\$262	\$262	\$262	\$262	\$262	\$262	\$262
Proposed Fee 1998-99				\$0	\$162	\$162	\$324	\$243	\$324	\$324	\$324	\$324	\$324	\$324	\$324
Modesto Community Service Center- Auditorium & Kitchen, per 4 hours	N.A.		\$350.24	\$0	\$175	\$175	\$350	\$263	\$350	\$350	\$350	\$350	\$350	\$350	\$350
Proposed Fee 1996-97				\$0	\$123	\$123	\$245	\$184	\$245	\$245	\$245	\$245	\$245	\$245	\$245
Proposed Fee 1997-98				\$0	\$154	\$154	\$308	\$231	\$308	\$308	\$308	\$308	\$308	\$308	\$308
Proposed Fee 1998-99				\$0	\$186	\$186	\$371	\$278	\$371	\$371	\$371	\$371	\$371	\$371	\$371
Modesto Community Service Center- Auditorium & Kitchen, 8am-5 pm or 1 pm to 10 pm	\$140	\$506.02		\$0	\$253	\$253	\$506	\$380	\$506	\$506	\$506	\$506	\$506	\$506	\$506
Proposed Fee 1996-97				\$0	\$150	\$150	\$300	\$225	\$300	\$300	\$300	\$300	\$300	\$300	\$300
Proposed Fee 1997-98				\$0	\$180	\$180	\$360	\$270	\$360	\$360	\$360	\$360	\$360	\$360	\$360
Proposed Fee 1998-99				\$0	\$206	\$206	\$412	\$309	\$412	\$412	\$412	\$412	\$412	\$412	\$412
Modesto Community Service Center- Auditorium & Kitchen, 8am-5 pm or 1 pm to 10 pm	N.A.		\$601.03	\$0	\$301	\$301	\$601	\$451	\$601	\$601	\$601	\$601	\$601	\$601	\$601
Proposed Fee 1996-97				\$0	\$198	\$198	\$395	\$296	\$395	\$395	\$395	\$395	\$395	\$395	\$395
Proposed Fee 1997-98				\$0	\$230	\$230	\$460	\$345	\$460	\$460	\$460	\$460	\$460	\$460	\$460
Proposed Fee 1998-99				\$0	\$258	\$258	\$515	\$386	\$515	\$515	\$515	\$515	\$515	\$515	\$515

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraise	Reg Use	Fundraise	Reg Use	Fundraise	Reg Use	Fundraise	Reg Use	Fundraise	Reg Use	Fundraise
Modesto Community Service Center- Auditorium & Kitchen, all day	\$210	\$706.81		\$0	\$353	\$353	\$707	\$530	\$707	\$707	\$707	\$707	\$707	\$707	\$707
Proposed Fee 1996-97				\$0	\$200	\$200	\$400	\$300	\$400	\$400	\$400	\$400	\$400	\$400	\$400
Proposed Fee 1997-98				\$0	\$258	\$258	\$515	\$386	\$515	\$515	\$515	\$515	\$515	\$515	\$515
Proposed Fee 1998-99				\$0	\$309	\$309	\$618	\$464	\$618	\$618	\$618	\$618	\$618	\$618	\$618
Modesto Community Service Center- Auditorium & Kitchen, all day	N.A.		\$851.82	\$0	\$426	\$426	\$852	\$639	\$852	\$852	\$852	\$852	\$852	\$852	\$852
Proposed Fee 1996-97				\$0	\$273	\$273	\$545	\$409	\$545	\$545	\$545	\$545	\$545	\$545	\$545
Proposed Fee 1997-98				\$0	\$333	\$333	\$665	\$499	\$665	\$665	\$665	\$665	\$665	\$665	\$665
Proposed Fee 1998-99				\$0	\$386	\$386	\$772	\$579	\$772	\$772	\$772	\$772	\$772	\$772	\$772
Modesto Community Service Center- Classroom, per 4 hours	\$38	\$76.01		\$0	\$38	\$38	\$76	\$57	\$76	\$76	\$76	\$76	\$76	\$76	\$76
Proposed Fee 1996-97				\$0	\$38	\$38	\$76	\$57	\$76	\$76	\$76	\$76	\$76	\$76	\$76
Proposed Fee 1997-98				\$0	\$39	\$39	\$78	\$59	\$78	\$78	\$78	\$78	\$78	\$78	\$78
Proposed Fee 1998-99				\$0	\$40	\$40	\$81	\$60	\$81	\$81	\$81	\$81	\$81	\$81	\$81
Modesto Community Service Center- Classroom, per 4 hours	N.A.		\$121.02	\$0	\$61	\$61	\$121	\$91	\$121	\$121	\$121	\$121	\$121	\$121	\$121
Proposed Fee 1996-97				\$0	\$61	\$61	\$121	\$91	\$121	\$121	\$121	\$121	\$121	\$121	\$121
Proposed Fee 1997-98				\$0	\$62	\$62	\$124	\$93	\$124	\$124	\$124	\$124	\$124	\$124	\$124
Proposed Fee 1998-99				\$0	\$64	\$64	\$128	\$96	\$128	\$128	\$128	\$128	\$128	\$128	\$128
Modesto Community Service Center- Classroom, 8am-5 pm or 1 pm to 10 pm	\$76	\$122.69		\$0	\$61	\$61	\$123	\$92	\$123	\$123	\$123	\$123	\$123	\$123	\$123
Proposed Fee 1996-97				\$0	\$61	\$61	\$123	\$92	\$123	\$123	\$123	\$123	\$123	\$123	\$123
Proposed Fee 1997-98				\$0	\$63	\$63	\$126	\$95	\$126	\$126	\$126	\$126	\$126	\$126	\$126
Proposed Fee 1998-99				\$0	\$65	\$65	\$130	\$98	\$130	\$130	\$130	\$130	\$130	\$130	\$130

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Modesto Community Service Center- Classroom, 8am-5 pm or 1 pm to 10 pm	N.A.		\$217.70	\$0	\$109	\$109	\$218	\$163	\$218	\$218	\$218	\$218	\$218	\$218	\$218
Proposed Fee 1996-97				\$0	\$109	\$109	\$218	\$164	\$218	\$218	\$218	\$218	\$218	\$218	\$218
Proposed Fee 1997-98				\$0	\$113	\$113	\$225	\$169	\$225	\$225	\$225	\$225	\$225	\$225	\$225
Proposed Fee 1998-99				\$0	\$116	\$116	\$232	\$174	\$232	\$232	\$232	\$232	\$232	\$232	\$232
Modesto Community Service Center- Classroom, all day	\$114	\$169.37		\$0	\$85	\$85	\$169	\$127	\$169	\$169	\$169	\$169	\$169	\$169	\$169
Proposed Fee 1996-97				\$0	\$85	\$85	\$169	\$127	\$169	\$169	\$169	\$169	\$169	\$169	\$169
Proposed Fee 1997-98				\$0	\$87	\$87	\$174	\$131	\$174	\$174	\$174	\$174	\$174	\$174	\$174
Proposed Fee 1998-99				\$0	\$90	\$90	\$180	\$135	\$180	\$180	\$180	\$180	\$180	\$180	\$180
Modesto Community Service Center- Classroom, all day	N.A.		\$314.38	\$0	\$157	\$157	\$314	\$236	\$314	\$314	\$314	\$314	\$314	\$314	\$314
Proposed Fee 1996-97				\$0	\$157	\$157	\$314	\$236	\$314	\$314	\$314	\$314	\$314	\$314	\$314
Proposed Fee 1997-98				\$0	\$162	\$162	\$323	\$242	\$323	\$323	\$323	\$323	\$323	\$323	\$323
Proposed Fee 1998-99				\$0	\$167	\$167	\$333	\$250	\$333	\$333	\$333	\$333	\$333	\$333	\$333
McHenry Mansion- 1st 5 hours	\$354/\$504 for 4 hrs		\$477.56	\$0	\$239	\$239	\$478	\$358	\$478	\$478	\$478	\$478	\$478	\$478	\$478
Proposed Fee 1996-97				\$0	\$239	\$239	\$478	\$358	\$478	\$478	\$478	\$478	\$478	\$478	\$478
Proposed Fee 1997-98				\$0	\$246	\$246	\$492	\$369	\$492	\$492	\$492	\$492	\$492	\$492	\$492
Proposed Fee 1998-99				\$0	\$253	\$253	\$507	\$380	\$507	\$507	\$507	\$507	\$507	\$507	\$507
McHenry Mansion- each additional 1/2 hour	\$52/hr		\$41.22	\$0	\$21	\$21	\$41	\$31	\$41	\$41	\$41	\$41	\$41	\$41	\$41
Proposed Fee 1996-97				\$0	\$21	\$21	\$41	\$31	\$41	\$41	\$41	\$41	\$41	\$41	\$41
Proposed Fee 1997-98				\$0	\$21	\$21	\$42	\$32	\$42	\$42	\$42	\$42	\$42	\$42	\$42
Proposed Fee 1998-99				\$0	\$22	\$22	\$44	\$33	\$44	\$44	\$44	\$44	\$44	\$44	\$44
McClatchy Square- per 5 hours, without street closure	N.A.		\$208.94	\$0	\$104	\$104	\$209	\$157	\$209	\$209	\$209	\$209	\$209	\$209	\$209
Proposed Fee 1996-97				\$0	\$104	\$104	\$209	\$157	\$209	\$209	\$209	\$209	\$209	\$209	\$209
Proposed Fee 1997-98				\$0	\$108	\$108	\$215	\$161	\$215	\$215	\$215	\$215	\$215	\$215	\$215
Proposed Fee 1998-99				\$0	\$111	\$111	\$222	\$166	\$222	\$222	\$222	\$222	\$222	\$222	\$222

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
McClatchy Square- per 5 hours with street closure	N.A.		\$400.94	\$0	\$200	\$200	\$401	\$301	\$401	\$401	\$401	\$401	\$401	\$401	\$401
Proposed Fee 1996-97				\$0	\$200	\$200	\$401	\$301	\$401	\$401	\$401	\$401	\$401	\$401	\$401
Proposed Fee 1997-98				\$0	\$206	\$206	\$413	\$310	\$413	\$413	\$413	\$413	\$413	\$413	\$413
Proposed Fee 1998-99				\$0	\$213	\$213	\$425	\$319	\$425	\$425	\$425	\$425	\$425	\$425	\$425
McClatchy Square- each additional 1/2 hour, with or without street closure	N.A.		\$10.00	\$0	\$5	\$5	\$10	\$8	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Proposed Fee 1996-97				\$0	\$5	\$5	\$10	\$8	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Proposed Fee 1997-98				\$0	\$5	\$5	\$10	\$8	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Proposed Fee 1998-99				\$0	\$5	\$5	\$11	\$8	\$11	\$11	\$11	\$11	\$11	\$11	\$11
McHenry Museum-Auditorium, per 2 hours	\$30	\$82.37		\$0	\$41	\$41	\$82	\$62	\$82	\$82	\$82	\$82	\$82	\$82	\$82
Proposed Fee 1996-97				\$0	\$28	\$28	\$56	\$42	\$56	\$56	\$56	\$56	\$56	\$56	\$56
Proposed Fee 1997-98				\$0	\$34	\$34	\$68	\$51	\$68	\$68	\$68	\$68	\$68	\$68	\$68
Proposed Fee 1998-99				\$0	\$41	\$41	\$82	\$62	\$82	\$82	\$82	\$82	\$82	\$82	\$82
McHenry Museum-Auditorium, per 2 hours	N.A.		\$107.38	\$0	\$54	\$54	\$107	\$81	\$107	\$107	\$107	\$107	\$107	\$107	\$107
Proposed Fee 1996-97				\$0	\$54	\$54	\$107	\$81	\$107	\$107	\$107	\$107	\$107	\$107	\$107
Proposed Fee 1997-98				\$0	\$55	\$55	\$110	\$83	\$110	\$110	\$110	\$110	\$110	\$110	\$110
Proposed Fee 1998-99				\$0	\$57	\$57	\$113	\$85	\$113	\$113	\$113	\$113	\$113	\$113	\$113
McHenry Museum-Auditorium, each additional 2 hours	\$8/hr	\$42.43		\$0	\$21	\$21	\$42	\$32	\$42	\$42	\$42	\$42	\$42	\$42	\$42
Proposed Fee 1996-97				\$0	\$15	\$15	\$30	\$23	\$30	\$30	\$30	\$30	\$30	\$30	\$30
Proposed Fee 1997-98				\$0	\$18	\$18	\$36	\$27	\$36	\$36	\$36	\$36	\$36	\$36	\$36
Proposed Fee 1998-99				\$0	\$21	\$21	\$42	\$32	\$42	\$42	\$42	\$42	\$42	\$42	\$42
McHenry Museum-Auditorium, each additional 2 hours	N.A.		\$62.43	\$0	\$31	\$31	\$62	\$47	\$62	\$62	\$62	\$62	\$62	\$62	\$62
Proposed Fee 1996-97				\$0	\$31	\$31	\$62	\$47	\$62	\$62	\$62	\$62	\$62	\$62	\$62
Proposed Fee 1997-98				\$0	\$32	\$32	\$64	\$48	\$64	\$64	\$64	\$64	\$64	\$64	\$64
Proposed Fee 1998-99				\$0	\$33	\$33	\$66	\$50	\$66	\$66	\$66	\$66	\$66	\$66	\$66

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
McHenry Museum- Entire Facility, per 4 hours	\$564		\$401.43	\$0	\$201	\$201	\$401	\$301	\$401	\$401	\$401	\$401	\$401	\$401	\$401
Proposed Fee 1996-97				\$0	\$201	\$201	\$401	\$301	\$401	\$401	\$401	\$401	\$401	\$401	\$401
Proposed Fee 1997-98				\$0	\$207	\$207	\$413	\$310	\$413	\$413	\$413	\$413	\$413	\$413	\$413
Proposed Fee 1998-99				\$0	\$213	\$213	\$426	\$319	\$426	\$426	\$426	\$426	\$426	\$426	\$426
McHenry Museum- Entire Facility, each additional hour	N.A.		\$40.23	\$0	\$20	\$20	\$40	\$30	\$40	\$40	\$40	\$40	\$40	\$40	\$40
Proposed Fee 1996-97				\$0	\$20	\$20	\$40	\$30	\$40	\$40	\$40	\$40	\$40	\$40	\$40
Proposed Fee 1997-98				\$0	\$21	\$21	\$41	\$31	\$41	\$41	\$41	\$41	\$41	\$41	\$41
Proposed Fee 1998-99				\$0	\$21	\$21	\$43	\$32	\$43	\$43	\$43	\$43	\$43	\$43	\$43
King Kennedy Memorial Center- Room A, 2 hours	N.A.	\$18.16		\$0	\$9	\$9	\$18	\$14	\$18	\$18	\$18	\$18	\$18	\$18	\$18
Proposed Fee 1996-97				\$0	\$9	\$9	\$18	\$14	\$18	\$18	\$18	\$18	\$18	\$18	\$18
Proposed Fee 1997-98				\$0	\$9	\$9	\$19	\$14	\$19	\$19	\$19	\$19	\$19	\$19	\$19
Proposed Fee 1998-99				\$0	\$10	\$10	\$20	\$14	\$19	\$19	\$19	\$19	\$19	\$19	\$19
King Kennedy Memorial Center- Room A, 2 hours			\$41.66	\$0	\$21	\$21	\$42	\$31	\$42	\$42	\$42	\$42	\$42	\$42	\$42
Proposed Fee 1996-97				\$0	\$20	\$20	\$40	\$30	\$40	\$40	\$40	\$40	\$40	\$40	\$40
Proposed Fee 1997-98				\$0	\$21	\$21	\$42	\$32	\$42	\$42	\$42	\$42	\$42	\$42	\$42
Proposed Fee 1998-99				\$0	\$22	\$22	\$44	\$33	\$44	\$44	\$44	\$44	\$44	\$44	\$44
King Kennedy Memorial Center- Room A, 4 hours	N.A.	\$27.82		\$0	\$14	\$14	\$28	\$21	\$28	\$28	\$28	\$28	\$28	\$28	\$28
Proposed Fee 1996-97				\$0	\$14	\$14	\$28	\$21	\$28	\$28	\$28	\$28	\$28	\$28	\$28
Proposed Fee 1997-98				\$0	\$14	\$14	\$29	\$21	\$29	\$29	\$29	\$29	\$29	\$29	\$29
Proposed Fee 1998-99				\$0	\$15	\$15	\$30	\$22	\$30	\$30	\$30	\$30	\$30	\$30	\$30
King Kennedy Memorial Center- Room A, 4 hours			\$70.13	\$0	\$35	\$35	\$70	\$53	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Proposed Fee 1996-97				\$0	\$33	\$33	\$65	\$49	\$65	\$65	\$65	\$65	\$65	\$65	\$65
Proposed Fee 1997-98				\$0	\$34	\$34	\$68	\$51	\$68	\$68	\$68	\$68	\$68	\$68	\$68
Proposed Fee 1998-99				\$0	\$36	\$36	\$72	\$54	\$72	\$72	\$72	\$72	\$72	\$72	\$72

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
King Kennedy Memorial Center-Room B, 2 hours	N.A.	\$14.95		\$0	\$7	\$7	\$15	\$11	\$15	\$15	\$15	\$15	\$15	\$15	\$15
Proposed Fee 1996-97				\$0	\$7	\$7	\$15	\$11	\$15	\$15	\$15	\$15	\$15	\$15	\$15
Proposed Fee 1997-98				\$0	\$8	\$8	\$15	\$12	\$15	\$15	\$15	\$15	\$15	\$15	\$15
Proposed Fee 1998-99				\$0	\$8	\$8	\$16	\$12	\$16	\$16	\$16	\$16	\$16	\$16	\$16
King Kennedy Memorial Center-Room B, 2 hours			\$38.45	\$0	\$19	\$19	\$38	\$29	\$38	\$38	\$38	\$38	\$38	\$38	\$38
Proposed Fee 1996-97				\$0	\$19	\$19	\$38	\$29	\$38	\$38	\$38	\$38	\$38	\$38	\$38
Proposed Fee 1997-98				\$0	\$20	\$20	\$40	\$30	\$40	\$40	\$40	\$40	\$40	\$40	\$40
Proposed Fee 1998-99				\$0	\$20	\$20	\$41	\$31	\$41	\$41	\$41	\$41	\$41	\$41	\$41
King Kennedy Memorial Center-Room B, 4 hours	N.A.	\$21.38		\$0	\$11	\$11	\$21	\$16	\$21	\$21	\$21	\$21	\$21	\$21	\$21
Proposed Fee 1996-97				\$0	\$11	\$11	\$21	\$16	\$21	\$21	\$21	\$21	\$21	\$21	\$21
Proposed Fee 1997-98				\$0	\$11	\$11	\$22	\$17	\$22	\$22	\$22	\$22	\$22	\$22	\$22
Proposed Fee 1998-99				\$0	\$11	\$11	\$23	\$17	\$23	\$23	\$23	\$23	\$23	\$23	\$23
King Kennedy Memorial Center-Room B, 4 hours			\$63.69	\$0	\$32	\$32	\$64	\$48	\$64	\$64	\$64	\$64	\$64	\$64	\$64
Proposed Fee 1996-97				\$0	\$28	\$28	\$56	\$42	\$56	\$56	\$56	\$56	\$56	\$56	\$56
Proposed Fee 1997-98				\$0	\$29	\$29	\$58	\$44	\$58	\$58	\$58	\$58	\$58	\$58	\$58
Proposed Fee 1998-99				\$0	\$30	\$30	\$60	\$45	\$60	\$60	\$60	\$60	\$60	\$60	\$60
King Kennedy Memorial Center-Auditorium & Kitchen, 2 hours	N.A.	\$72.88		\$0	\$36	\$36	\$73	\$63	\$73	\$73	\$73	\$73	\$73	\$73	\$73
Proposed Fee 1996-97				\$0	\$30	\$30	\$60	\$45	\$60	\$60	\$60	\$60	\$60	\$60	\$60
Proposed Fee 1997-98				\$0	\$35	\$35	\$70	\$53	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Proposed Fee 1998-99				\$0	\$39	\$39	\$78	\$59	\$78	\$78	\$78	\$78	\$78	\$78	\$78
King Kennedy Memorial Center-Auditorium & Kitchen, 2 hours			\$96.38	\$0	\$48	\$48	\$96	\$72	\$96	\$96	\$96	\$96	\$96	\$96	\$96
Proposed Fee 1996-97				\$0	\$47	\$47	\$94	\$71	\$94	\$94	\$94	\$94	\$94	\$94	\$94
Proposed Fee 1997-98				\$0	\$49	\$49	\$98	\$74	\$98	\$98	\$98	\$98	\$98	\$98	\$98
Proposed Fee 1998-99				\$0	\$51	\$51	\$102	\$77	\$102	\$102	\$102	\$102	\$102	\$102	\$102

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
King Kennedy Memorial Center-Auditorium & Kitchen, 4 hours	N.A.	\$137.25		\$0	\$69	\$69	\$137	\$103	\$137	\$137	\$137	\$137	\$137	\$137	\$137
Proposed Fee 1996-97				\$0	\$50	\$50	\$100	\$75	\$100	\$100	\$100	\$100	\$100	\$100	\$100
Proposed Fee 1997-98				\$0	\$55	\$55	\$110	\$83	\$110	\$110	\$110	\$110	\$110	\$110	\$110
Proposed Fee 1998-99				\$0	\$60	\$60	\$120	\$90	\$120	\$120	\$120	\$120	\$120	\$120	\$120
King Kennedy Memorial Center-Auditorium & Kitchen, 4 hours			\$179.56	\$0	\$90	\$90	\$180	\$135	\$180	\$180	\$180	\$180	\$180	\$180	\$180
Proposed Fee 1996-97				\$0	\$87	\$87	\$174	\$131	\$174	\$174	\$174	\$174	\$174	\$174	\$174
Proposed Fee 1997-98				\$0	\$91	\$91	\$182	\$137	\$182	\$182	\$182	\$182	\$182	\$182	\$182
Proposed Fee 1998-99				\$0	\$93	\$93	\$186	\$140	\$186	\$186	\$186	\$186	\$186	\$186	\$186
King Kennedy Memorial Center- Entire Facility, 4 hours	N.A.	\$171.56		\$0	\$86	\$86	\$172	\$129	\$172	\$172	\$172	\$172	\$172	\$172	\$172
Proposed Fee 1996-97				\$0	\$86	\$86	\$172	\$129	\$172	\$172	\$172	\$172	\$172	\$172	\$172
Proposed Fee 1997-98				\$0	\$89	\$89	\$177	\$133	\$177	\$177	\$177	\$177	\$177	\$177	\$177
Proposed Fee 1998-99				\$0	\$91	\$91	\$182	\$137	\$182	\$182	\$182	\$182	\$182	\$182	\$182
King Kennedy Memorial Center- Entire Facility, 4 hours			\$256.18	\$0	\$128	\$128	\$256	\$192	\$256	\$256	\$256	\$256	\$256	\$256	\$256
Proposed Fee 1996-97				\$0	\$121	\$121	\$242	\$182	\$242	\$242	\$242	\$242	\$242	\$242	\$242
Proposed Fee 1997-98				\$0	\$125	\$125	\$250	\$188	\$250	\$250	\$250	\$250	\$250	\$250	\$250
Proposed Fee 1998-99				\$0	\$129	\$129	\$258	\$194	\$258	\$258	\$258	\$258	\$258	\$258	\$258

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Senior Citizens Center-Dining Room & Kitchen, per 4 hours#	N.A.	\$65.94		\$0	\$33	\$33	\$66	\$49	\$66	\$66	\$66	\$66	\$66	\$66	\$66
Proposed Fee 1996-97				\$0	\$33	\$33	\$66	\$49	\$66	\$66	\$66	\$66	\$66	\$66	\$66
Proposed Fee 1997-98				\$0	\$34	\$34	\$68	\$51	\$68	\$68	\$68	\$68	\$68	\$68	\$68
Proposed Fee 1998-99				\$0	\$35	\$35	\$70	\$52	\$70	\$70	\$70	\$70	\$70	\$70	\$70
Senior Citizens Center-Dining Room & Kitchen, per 4 hours#	N.A.		\$110.95	\$0	\$55	\$55	\$111	\$83	\$111	\$111	\$111	\$111	\$111	\$111	\$111
Proposed Fee 1996-97				\$0	\$56	\$56	\$111	\$83	\$111	\$111	\$111	\$111	\$111	\$111	\$111
Proposed Fee 1997-98				\$0	\$57	\$57	\$114	\$86	\$114	\$114	\$114	\$114	\$114	\$114	\$114
Proposed Fee 1998-99				\$0	\$59	\$59	\$118	\$89	\$118	\$118	\$118	\$118	\$118	\$118	\$118
Senior Citizens Center-Dining Room & Kitchen, per 2 consecutive 4 hr rental periods#	N.A.	\$107.38		\$0	\$54	\$54	\$107	\$81	\$107	\$107	\$107	\$107	\$107	\$107	\$107
Proposed Fee 1996-97				\$0	\$54	\$54	\$107	\$81	\$107	\$107	\$107	\$107	\$107	\$107	\$107
Proposed Fee 1997-98				\$0	\$55	\$55	\$111	\$83	\$111	\$111	\$111	\$111	\$111	\$111	\$111
Proposed Fee 1998-99				\$0	\$57	\$57	\$114	\$85	\$114	\$114	\$114	\$114	\$114	\$114	\$114
Senior Citizens Center-Dining Room & Kitchen, per 2 consecutive 4 hr rental periods#	N.A.		\$202.39	\$0	\$101	\$101	\$202	\$152	\$202	\$202	\$202	\$202	\$202	\$202	\$202
Proposed Fee 1996-97				\$0	\$101	\$101	\$202	\$152	\$202	\$202	\$202	\$202	\$202	\$202	\$202
Proposed Fee 1997-98				\$0	\$104	\$104	\$208	\$156	\$208	\$208	\$208	\$208	\$208	\$208	\$208
Proposed Fee 1998-99				\$0	\$107	\$107	\$214	\$161	\$214	\$214	\$214	\$214	\$214	\$214	\$214
Senior Citizens Center-Dining Room & Kitchen, all day#	N.A.	\$148.82		\$0	\$74	\$74	\$149	\$112	\$149	\$149	\$149	\$149	\$149	\$149	\$149
Proposed Fee 1996-97				\$0	\$74	\$74	\$149	\$112	\$149	\$149	\$149	\$149	\$149	\$149	\$149
Proposed Fee 1997-98				\$0	\$77	\$77	\$153	\$115	\$153	\$153	\$153	\$153	\$153	\$153	\$153
Proposed Fee 1998-99				\$0	\$79	\$79	\$158	\$118	\$158	\$158	\$158	\$158	\$158	\$158	\$158
Senior Citizens Center-Dining Room & Kitchen, all day#	N.A.		\$293.83	\$0	\$147	\$147	\$294	\$220	\$294	\$294	\$294	\$294	\$294	\$294	\$294
Proposed Fee 1996-97				\$0	\$147	\$147	\$294	\$221	\$294	\$294	\$294	\$294	\$294	\$294	\$294
Proposed Fee 1997-98				\$0	\$152	\$152	\$303	\$227	\$303	\$303	\$303	\$303	\$303	\$303	\$303
Proposed Fee 1998-99				\$0	\$156	\$156	\$312	\$234	\$312	\$312	\$312	\$312	\$312	\$312	\$312

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Senior Citizens Center-Auditorium, per 4 hours #	\$76 Fri & Sat pm, \$50 all other times	\$45.04		\$0	\$23	\$23	\$45	\$34	\$45	\$45	\$45	\$45	\$45	\$45	\$45
Proposed Fee 1996-97				\$0	\$23	\$23	\$45	\$34	\$45	\$45	\$45	\$45	\$45	\$45	\$45
Proposed Fee 1997-98				\$0	\$23	\$23	\$46	\$35	\$46	\$46	\$46	\$46	\$46	\$46	\$46
Proposed Fee 1998-99				\$0	\$24	\$24	\$48	\$36	\$48	\$48	\$48	\$48	\$48	\$48	\$48
Senior Citizens Center-Auditorium, per 4 hours #	N.A.	\$90.05		\$0	\$45	\$45	\$90	\$68	\$90	\$90	\$90	\$90	\$90	\$90	\$90
Proposed Fee 1996-97				\$0	\$45	\$45	\$90	\$68	\$90	\$90	\$90	\$90	\$90	\$90	\$90
Proposed Fee 1997-98				\$0	\$47	\$47	\$93	\$70	\$93	\$93	\$93	\$93	\$93	\$93	\$93
Proposed Fee 1998-99				\$0	\$48	\$48	\$95	\$71	\$95	\$95	\$95	\$95	\$95	\$95	\$95
Senior Citizens Center-Auditorium, per 2 consecutive 4 hr rental periods#	N.A.	\$71.41		\$0	\$36	\$36	\$71	\$54	\$71	\$71	\$71	\$71	\$71	\$71	\$71
Proposed Fee 1996-97				\$0	\$36	\$36	\$71	\$54	\$71	\$71	\$71	\$71	\$71	\$71	\$71
Proposed Fee 1997-98				\$0	\$37	\$37	\$74	\$55	\$74	\$74	\$74	\$74	\$74	\$74	\$74
Proposed Fee 1998-99				\$0	\$38	\$38	\$76	\$57	\$76	\$76	\$76	\$76	\$76	\$76	\$76
Senior Citizens Center-Auditorium, per 2 consecutive 4 hr rental periods#	N.A.	\$166.42		\$0	\$83	\$83	\$166	\$125	\$166	\$166	\$166	\$166	\$166	\$166	\$166
Proposed Fee 1996-97				\$0	\$83	\$83	\$166	\$125	\$166	\$166	\$166	\$166	\$166	\$166	\$166
Proposed Fee 1997-98				\$0	\$86	\$86	\$171	\$128	\$171	\$171	\$171	\$171	\$171	\$171	\$171
Proposed Fee 1998-99				\$0	\$88	\$88	\$176	\$132	\$176	\$176	\$176	\$176	\$176	\$176	\$176
Senior Citizens Center-Auditorium, all day#	N.A.	\$97.78		\$0	\$49	\$49	\$98	\$73	\$98	\$98	\$98	\$98	\$98	\$98	\$98
Proposed Fee 1996-97				\$0	\$49	\$49	\$98	\$73	\$98	\$98	\$98	\$98	\$98	\$98	\$98
Proposed Fee 1997-98				\$0	\$50	\$50	\$101	\$76	\$101	\$101	\$101	\$101	\$101	\$101	\$101
Proposed Fee 1998-99				\$0	\$52	\$52	\$104	\$78	\$104	\$104	\$104	\$104	\$104	\$104	\$104
Senior Citizens Center-Auditorium, all day#	N.A.	\$242.79		\$0	\$121	\$121	\$243	\$182	\$243	\$243	\$243	\$243	\$243	\$243	\$243
Proposed Fee 1996-97				\$0	\$122	\$122	\$243	\$182	\$243	\$243	\$243	\$243	\$243	\$243	\$243
Proposed Fee 1997-98				\$0	\$125	\$125	\$250	\$188	\$250	\$250	\$250	\$250	\$250	\$250	\$250
Proposed Fee 1998-99				\$0	\$129	\$129	\$258	\$194	\$258	\$258	\$258	\$258	\$258	\$258	\$258

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY B - BUILDINGS

FACILITY	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Senior Citizens Center- Entire Facility, per 4 hours+	\$100 Fri & Sat pm, \$54 all other times	\$104.64		\$0	\$52	\$52	\$105	\$78	\$105	\$105	\$105	\$105	\$105	\$105	\$105
Proposed Fee 1996-97				\$0	\$52	\$52	\$105	\$78	\$105	\$105	\$105	\$105	\$105	\$105	\$105
Proposed Fee 1997-98				\$0	\$54	\$54	\$108	\$81	\$108	\$108	\$108	\$108	\$108	\$108	\$108
Proposed Fee 1998-99				\$0	\$56	\$56	\$111	\$83	\$111	\$111	\$111	\$111	\$111	\$111	\$111
Senior Citizens Center- Entire Facility, per 4 hours+	N.A.		\$149.65	\$0	\$75	\$75	\$150	\$112	\$150	\$150	\$150	\$150	\$150	\$150	\$150
Proposed Fee 1996-97				\$0	\$75	\$75	\$150	\$113	\$150	\$150	\$150	\$150	\$150	\$150	\$150
Proposed Fee 1997-98				\$0	\$78	\$78	\$155	\$116	\$155	\$155	\$155	\$155	\$155	\$155	\$155
Proposed Fee 1998-99				\$0	\$80	\$80	\$159	\$119	\$159	\$159	\$159	\$159	\$159	\$159	\$159
Senior Citizens Center- Entire Facility, per 2 consecutive 4 hour rental periods +	N.A.	\$172.45		\$0	\$86	\$86	\$172	\$129	\$172	\$172	\$172	\$172	\$172	\$172	\$172
Proposed Fee 1996-97				\$0	\$86	\$86	\$172	\$129	\$172	\$172	\$172	\$172	\$172	\$172	\$172
Proposed Fee 1997-98				\$0	\$89	\$89	\$178	\$133	\$178	\$178	\$178	\$178	\$178	\$178	\$178
Proposed Fee 1998-99				\$0	\$91	\$91	\$183	\$137	\$183	\$183	\$183	\$183	\$183	\$183	\$183
Senior Citizens Center- Entire Facility, per 2 consecutive 4 hour rental periods +	N.A.		\$267.46	\$0	\$134	\$134	\$267	\$201	\$267	\$267	\$267	\$267	\$267	\$267	\$267
Proposed Fee 1996-97				\$0	\$134	\$134	\$267	\$201	\$267	\$267	\$267	\$267	\$267	\$267	\$267
Proposed Fee 1997-98				\$0	\$138	\$138	\$275	\$206	\$275	\$275	\$275	\$275	\$275	\$275	\$275
Proposed Fee 1998-99				\$0	\$142	\$142	\$283	\$212	\$283	\$283	\$283	\$283	\$283	\$283	\$283
Senior Citizens Center- Entire Facility, all day+	N.A.	\$240.26		\$0	\$120	\$120	\$240	\$180	\$240	\$240	\$240	\$240	\$240	\$240	\$240
Proposed Fee 1996-97				\$0	\$120	\$120	\$240	\$180	\$240	\$240	\$240	\$240	\$240	\$240	\$240
Proposed Fee 1997-98				\$0	\$124	\$124	\$247	\$186	\$247	\$247	\$247	\$247	\$247	\$247	\$247
Proposed Fee 1998-99				\$0	\$127	\$127	\$255	\$191	\$255	\$255	\$255	\$255	\$255	\$255	\$255
Senior Citizens Center- Entire Facility, all day+	N.A.		\$385.27	\$0	\$193	\$193	\$385	\$289	\$385	\$385	\$385	\$385	\$385	\$385	\$385
Proposed Fee 1996-97				\$0	\$193	\$193	\$385	\$289	\$385	\$385	\$385	\$385	\$385	\$385	\$385
Proposed Fee 1997-98				\$0	\$199	\$199	\$397	\$298	\$397	\$397	\$397	\$397	\$397	\$397	\$397
Proposed Fee 1998-99				\$0	\$204	\$204	\$408	\$306	\$408	\$408	\$408	\$408	\$408	\$408	\$408

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY C - MANCINI BOWL & JOHN THURMAN FIELD

FACILITY	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Mancini Bowl- per 4 hours	\$17/26	\$309.42		\$0	\$155	\$155	\$309	\$232	\$309	\$309	\$309	\$309	\$309	\$309	\$309
Proposed Fee 1996-97				\$0	\$40	\$40	\$80	\$60	\$80	\$80	\$80	\$80	\$80	\$80	\$80
Proposed Fee 1997-98				\$0	\$60	\$60	\$120	\$90	\$120	\$120	\$120	\$120	\$120	\$120	\$120
Proposed Fee 1998-99				\$0	\$80	\$80	\$160	\$120	\$160	\$160	\$160	\$160	\$160	\$160	\$160
Mancini Bowl- all day	\$43	\$463.23		\$0	\$232	\$232	\$463	\$347	\$463	\$463	\$463	\$463	\$463	\$463	\$463
Proposed Fee 1996-97				\$0	\$80	\$80	\$160	\$120	\$160	\$160	\$160	\$160	\$160	\$160	\$160
Proposed Fee 1997-98				\$0	\$100	\$100	\$200	\$150	\$200	\$200	\$200	\$200	\$200	\$200	\$200
Proposed Fee 1998-99				\$0	\$120	\$120	\$240	\$180	\$240	\$240	\$240	\$240	\$240	\$240	\$240
John Thurman Field- per 4 hours	\$618		\$1,057.40	\$0	\$529	\$529	\$1,057	\$793	\$1,057	\$1,057	\$1,057	\$1,057	\$1,057	\$1,057	\$1,057
Proposed Fee 1996-97				\$0	\$529	\$529	\$1,057	\$793	\$1,057	\$1,057	\$1,057	\$1,057	\$1,057	\$1,057	\$1,057
Proposed Fee 1997-98				\$0	\$545	\$545	\$1,089	\$817	\$1,089	\$1,089	\$1,089	\$1,089	\$1,089	\$1,089	\$1,089
Proposed Fee 1998-99				\$0	\$561	\$561	\$1,122	\$841	\$1,122	\$1,122	\$1,122	\$1,122	\$1,122	\$1,122	\$1,122
John Thurman Field-each additional hour	\$38		\$161.19	\$0	\$81	\$81	\$161	\$121	\$161	\$161	\$161	\$161	\$161	\$161	\$161
Proposed Fee 1996-97				\$0	\$81	\$81	\$161	\$121	\$161	\$161	\$161	\$161	\$161	\$161	\$161
Proposed Fee 1997-98				\$0	\$83	\$83	\$166	\$125	\$166	\$166	\$166	\$166	\$166	\$166	\$166
Proposed Fee 1998-99				\$0	\$86	\$86	\$171	\$128	\$171	\$171	\$171	\$171	\$171	\$171	\$171

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY D - CITY/SCHOOL MULTI-PURPOSE FACILITIES

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Multi-purpose Facility (Roosevelt, Mark Twain, La Loma), per 2 hours	\$42		\$38.71	\$0	\$19	\$19	\$39	\$29	\$39	\$39	\$39	\$39	\$39	\$39	\$39
Proposed Fee 1996-97				\$0	\$19	\$19	\$39	\$29	\$39	\$39	\$39	\$39	\$39	\$39	\$39
Proposed Fee 1997-98				\$0	\$20	\$20	\$40	\$30	\$40	\$40	\$40	\$40	\$40	\$40	\$40
Proposed Fee 1998-99				\$0	\$21	\$21	\$41	\$31	\$41	\$41	\$41	\$41	\$41	\$41	\$41
Multi-purpose Facility (R, MT & LL), each additional 2 hours	\$21/hr		30.24	\$0	\$15	\$15	\$30	\$23	\$30	\$30	\$30	\$30	\$30	\$30	\$30
Proposed Fee 1996-97				\$0	\$15	\$15	\$30	\$23	\$30	\$30	\$30	\$30	\$30	\$30	\$30
Proposed Fee 1997-98				\$0	\$16	\$16	\$31	\$23	\$31	\$31	\$31	\$31	\$31	\$31	\$31
Proposed Fee 1998-99				\$0	\$16	\$16	\$32	\$24	\$32	\$32	\$32	\$32	\$32	\$32	\$32
Multi-purpose Facility (Somerset), per 2 hours	\$42		\$68.81	\$0	\$34	\$34	\$69	\$52	\$69	\$69	\$69	\$69	\$69	\$69	\$69
Proposed Fee 1996-97				\$0	\$34	\$34	\$69	\$52	\$69	\$69	\$69	\$69	\$69	\$69	\$69
Proposed Fee 1997-98				\$0	\$35	\$35	\$71	\$53	\$71	\$71	\$71	\$71	\$71	\$71	\$71
Proposed Fee 1998-99				\$0	\$37	\$37	\$73	\$55	\$73	\$73	\$73	\$73	\$73	\$73	\$73
Multi-purpose Facility (Somerset), each additional 2 hours	\$21/hr		60.34	\$0	\$30	\$30	\$60	\$45	\$60	\$60	\$60	\$60	\$60	\$60	\$60
Proposed Fee 1996-97				\$0	\$30	\$30	\$60	\$45	\$60	\$60	\$60	\$60	\$60	\$60	\$60
Proposed Fee 1997-98				\$0	\$31	\$31	\$62	\$47	\$62	\$62	\$62	\$62	\$62	\$62	\$62
Proposed Fee 1998-99				\$0	\$32	\$32	\$64	\$48	\$64	\$64	\$64	\$64	\$64	\$64	\$64

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY E - HORSESHOE PITS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Preparation of Horseshoe Pits for Tournaments	N.A.	\$479.00		\$0	\$240	\$240	\$479	\$359	\$479	\$479	\$479	\$479	\$479	\$479	\$479
Proposed Fee 1996-97				\$0	\$240	\$240	\$479	\$359	\$479	\$479	\$479	\$479	\$479	\$479	\$479
Proposed Fee 1997-98				\$0	\$247	\$247	\$493	\$370	\$493	\$493	\$493	\$493	\$493	\$493	\$493
Proposed Fee 1998-99				\$0	\$254	\$254	\$508	\$381	\$508	\$508	\$508	\$508	\$508	\$508	\$508
Preparation of Horseshoe Pits- Daily Reservation	N.A.	\$15.11		\$0	\$8	\$8	\$15	\$11	\$15	\$15	\$15	\$15	\$15	\$15	\$15
Proposed Fee 1996-97				\$0	\$8	\$8	\$15	\$11	\$15	\$15	\$15	\$15	\$15	\$15	\$15
Proposed Fee 1997-98				\$0	\$8	\$8	\$16	\$12	\$16	\$16	\$16	\$16	\$16	\$16	\$16
Proposed Fee 1998-99				\$0	\$8	\$8	\$16	\$12	\$16	\$16	\$16	\$16	\$16	\$16	\$16

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY F - MISCELLANEOUS

RENTAL ITEM	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Assistive Listening Devices	N.A.	\$17.88		\$0	\$9	\$9	\$18	\$13	\$18	\$18	\$18	\$18	\$18	\$18	\$18
Proposed Fee 1996-97				\$0	\$9	\$9	\$18	\$13	\$18	\$18	\$18	\$18	\$18	\$18	\$18
Proposed Fee 1997-98				\$0	\$9	\$9	\$18	\$14	\$18	\$18	\$18	\$18	\$18	\$18	\$18
Proposed Fee 1998-99				\$0	\$9	\$9	\$19	\$14	\$19	\$19	\$19	\$19	\$19	\$19	\$19
Sports Equipment Bags	\$5	\$12.48		\$0	\$6	\$6	\$12	\$9	\$12	\$12	\$12	\$12	\$12	\$12	\$12
Proposed Fee 1996-97				\$0	\$6	\$6	\$12	\$9	\$12	\$12	\$12	\$12	\$12	\$12	\$12
Proposed Fee 1997-98				\$0	\$6	\$6	\$13	\$10	\$13	\$13	\$13	\$13	\$13	\$13	\$13
Proposed Fee 1998-99				\$0	\$7	\$7	\$13	\$10	\$13	\$13	\$13	\$13	\$13	\$13	\$13

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY G - PICNIC AREAS AND/OR PICNIC SHELTERS

FACILITY	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Group Picnic Areas- per 5 hour time segment, per section	N.A.	\$65.19		\$0	\$33	\$33	\$65	\$49	\$65	\$65	\$65	\$65	\$65	\$65	\$65
Proposed Fee 1996-97				\$0	\$23	\$23	\$45	\$34	\$45	\$45	\$45	\$45	\$45	\$45	\$45
Proposed Fee 1997-98				\$0	\$29	\$29	\$57	\$43	\$57	\$57	\$57	\$57	\$57	\$57	\$57
Proposed Fee 1998-99				\$0	\$35	\$35	\$69	\$52	\$69	\$69	\$69	\$69	\$69	\$69	\$69
Group Picnic Areas- all day, per section	\$52	\$82.87		\$0	\$41	\$41	\$83	\$62	\$83	\$83	\$83	\$83	\$83	\$83	\$83
Proposed Fee 1996-97				\$0	\$32	\$32	\$63	\$47	\$63	\$63	\$63	\$63	\$63	\$63	\$63
Proposed Fee 1997-98				\$0	\$38	\$38	\$75	\$56	\$75	\$75	\$75	\$75	\$75	\$75	\$75
Proposed Fee 1998-99				\$0	\$44	\$44	\$88	\$66	\$88	\$88	\$88	\$88	\$88	\$88	\$88
Beard Brook T-Shelter- per 5 hour segment	\$9 days, \$17 evenings, per 4 hrs	\$56.78		\$0	\$28	\$28	\$57	\$43	\$57	\$57	\$57	\$57	\$57	\$57	\$57
Proposed Fee 1996-97				\$0	\$13	\$13	\$26	\$20	\$26	\$26	\$26	\$26	\$26	\$26	\$26
Proposed Fee 1997-98				\$0	\$19	\$19	\$37	\$28	\$37	\$37	\$37	\$37	\$37	\$37	\$37
Proposed Fee 1998-99				\$0	\$24	\$24	\$48	\$36	\$48	\$48	\$48	\$48	\$48	\$48	\$48
Beard Brook T-Shelter- all day	\$26	\$102.89		\$0	\$51	\$51	\$94	\$77	\$94	\$94	\$94	\$94	\$94	\$94	\$94
Proposed Fee 1996-97				\$0	\$20	\$20	\$40	\$30	\$40	\$40	\$40	\$40	\$40	\$40	\$40
Proposed Fee 1997-98				\$0	\$26	\$26	\$52	\$39	\$52	\$52	\$52	\$52	\$52	\$52	\$52
Proposed Fee 1998-99				\$0	\$31	\$31	\$62	\$47	\$62	\$62	\$62	\$62	\$62	\$62	\$62

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY H - SPORTS FIELDS

FACILITY	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Sports Fields, per 2 hours, without lights	\$28	\$15.27		\$0	\$8	\$8	\$15	\$11	\$15	\$15	\$15	\$15	\$15	\$15	\$15
Proposed Fee 1996-97				\$0	\$8	\$8	\$15	\$11	\$15	\$15	\$15	\$15	\$15	\$15	\$15
Proposed Fee 1997-98				\$0	\$8	\$8	\$16	\$12	\$16	\$16	\$16	\$16	\$16	\$16	\$16
Proposed Fee 1998-99				\$0	\$8	\$8	\$16	\$12	\$16	\$16	\$16	\$16	\$16	\$16	\$16
Sports Fields, per 2 hours, with lights	\$32	\$36.03		\$0	\$18	\$18	\$36	\$27	\$36	\$36	\$36	\$36	\$36	\$36	\$36
Proposed Fee 1996-97				\$0	\$18	\$18	\$36	\$27	\$36	\$36	\$36	\$36	\$36	\$36	\$36
Proposed Fee 1997-98				\$0	\$19	\$19	\$37	\$28	\$37	\$37	\$37	\$37	\$37	\$37	\$37
Proposed Fee 1998-99				\$0	\$19	\$19	\$38	\$29	\$38	\$38	\$38	\$38	\$38	\$38	\$38
Tournament Fee, per field, per day	\$30	\$46.73		\$0	\$23	\$23	\$47	\$35	\$47	\$47	\$47	\$47	\$47	\$47	\$47
Proposed Fee 1996-97				\$0	\$23	\$23	\$47	\$35	\$47	\$47	\$47	\$47	\$47	\$47	\$47
Proposed Fee 1997-98				\$0	\$24	\$24	\$48	\$36	\$48	\$48	\$48	\$48	\$48	\$48	\$48
Proposed Fee 1998-99				\$0	\$25	\$25	\$50	\$37	\$50	\$50	\$50	\$50	\$50	\$50	\$50
Line & Drag Fee, per field	\$30	\$30.17		\$0	\$15	\$15	\$30	\$23	\$30	\$30	\$30	\$30	\$30	\$30	\$30
Proposed Fee 1996-97				\$0	\$15	\$15	\$30	\$23	\$30	\$30	\$30	\$30	\$30	\$30	\$30
Proposed Fee 1997-98				\$0	\$16	\$16	\$31	\$23	\$31	\$31	\$31	\$31	\$31	\$31	\$31
Proposed Fee 1998-99				\$0	\$16	\$16	\$32	\$24	\$32	\$32	\$32	\$32	\$32	\$32	\$32

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY I - COMMUNITY WIDE SPECIAL EVENTS (STAFFING AND VEHICLE COSTS)

SERVICE ITEM	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Staffing-Recreation Leader, per hour	N.A.		\$9.40	\$0	\$5	\$5	\$9	\$7	\$9	\$9	\$9	\$9	\$9	\$9	\$9
Proposed Fee 1996-97				\$0	\$5	\$5	\$9	\$7	\$9	\$9	\$9	\$9	\$9	\$9	\$9
Proposed Fee 1997-98				\$0	\$5	\$5	\$10	\$7	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Proposed Fee 1998-99				\$0	\$5	\$5	\$10	\$7	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Staffing-Recreation Leader, per 2 hour event	N.A.		\$23.50	\$0	\$12	\$12	\$24	\$18	\$24	\$24	\$24	\$24	\$24	\$24	\$24
Proposed Fee 1996-97				\$0	\$12	\$12	\$24	\$18	\$24	\$24	\$24	\$24	\$24	\$24	\$24
Proposed Fee 1997-98				\$0	\$12	\$12	\$24	\$18	\$24	\$24	\$24	\$24	\$24	\$24	\$24
Proposed Fee 1998-99				\$0	\$12	\$12	\$25	\$19	\$25	\$25	\$25	\$25	\$25	\$25	\$25
Staffing-Recreation Leader, per 4 hour event	N.A.		\$42.31	\$0	\$21	\$21	\$42	\$32	\$42	\$42	\$42	\$42	\$42	\$42	\$42
Proposed Fee 1996-97				\$0	\$21	\$21	\$42	\$32	\$42	\$42	\$42	\$42	\$42	\$42	\$42
Proposed Fee 1997-98				\$0	\$22	\$22	\$44	\$33	\$44	\$44	\$44	\$44	\$44	\$44	\$44
Proposed Fee 1998-99				\$0	\$22	\$22	\$45	\$34	\$45	\$45	\$45	\$45	\$45	\$45	\$45
Staffing-Event Attendant, per hour	N.A.		\$10.00	\$0	\$5	\$5	\$10	\$8	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Proposed Fee 1996-97				\$0	\$5	\$5	\$10	\$8	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Proposed Fee 1997-98				\$0	\$5	\$5	\$10	\$8	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Proposed Fee 1998-99				\$0	\$5	\$5	\$11	\$8	\$11	\$11	\$11	\$11	\$11	\$11	\$11
Staffing-Event Attendant, per 2 hour event	N.A.		\$25.01	\$0	\$13	\$13	\$25	\$19	\$25	\$25	\$25	\$25	\$25	\$25	\$25
Proposed Fee 1996-97				\$0	\$13	\$13	\$25	\$19	\$25	\$25	\$25	\$25	\$25	\$25	\$25
Proposed Fee 1997-98				\$0	\$13	\$13	\$26	\$19	\$26	\$26	\$26	\$26	\$26	\$26	\$26
Proposed Fee 1998-99				\$0	\$13	\$13	\$27	\$20	\$27	\$27	\$27	\$27	\$27	\$27	\$27
Staffing-Event Attendant, per 4 hour event	N.A.		\$45.01	\$0	\$23	\$23	\$45	\$34	\$45	\$45	\$45	\$45	\$45	\$45	\$45
Proposed Fee 1996-97				\$0	\$23	\$23	\$45	\$34	\$45	\$45	\$45	\$45	\$45	\$45	\$45
Proposed Fee 1997-98				\$0	\$23	\$23	\$46	\$35	\$46	\$46	\$46	\$46	\$46	\$46	\$46
Proposed Fee 1998-99				\$0	\$24	\$24	\$48	\$36	\$48	\$48	\$48	\$48	\$48	\$48	\$48

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY I - COMMUNITY WIDE SPECIAL EVENTS (STAFFING AND VEHICLE COSTS)

SERVICE ITEM	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7			
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
				Staffing-Parks Crewleader, per hour	N.A.		\$29.14	\$0	\$15	\$15	\$29	\$22	\$29	\$29	\$29	\$29	\$29
Proposed Fee 1996-97				\$0	\$15	\$15	\$29	\$22	\$29	\$29	\$29	\$29	\$29	\$29	\$29		
Proposed Fee 1997-98				\$0	\$15	\$15	\$30	\$23	\$30	\$30	\$30	\$30	\$30	\$30	\$30		
Proposed Fee 1998-99				\$0	\$15	\$15	\$31	\$23	\$31	\$31	\$31	\$31	\$31	\$31	\$31		
Staffing-Parks Crewleader, per 2 hour event	N.A.		\$72.84	\$0	\$36	\$36	\$73	\$55	\$73	\$73	\$73	\$73	\$73	\$73	\$73		
Proposed Fee 1996-97				\$0	\$36	\$36	\$73	\$55	\$73	\$73	\$73	\$73	\$73	\$73	\$73		
Proposed Fee 1997-98				\$0	\$38	\$38	\$75	\$56	\$75	\$75	\$75	\$75	\$75	\$75	\$75		
Proposed Fee 1998-99				\$0	\$39	\$39	\$77	\$58	\$77	\$77	\$77	\$77	\$77	\$77	\$77		
Staffing-Parks Crewleader, per 4 hour event	N.A.		\$131.12	\$0	\$66	\$66	\$131	\$98	\$131	\$131	\$131	\$131	\$131	\$131	\$131		
Proposed Fee 1996-97				\$0	\$66	\$66	\$131	\$98	\$131	\$131	\$131	\$131	\$131	\$131	\$131		
Proposed Fee 1997-98				\$0	\$68	\$68	\$135	\$101	\$135	\$135	\$135	\$135	\$135	\$135	\$135		
Proposed Fee 1998-99				\$0	\$70	\$70	\$139	\$104	\$139	\$139	\$139	\$139	\$139	\$139	\$139		
Staffing-Maintenance Worker, per hour	N.A.		\$26.40	\$0	\$13	\$13	\$26	\$20	\$26	\$26	\$26	\$26	\$26	\$26	\$26		
Proposed Fee 1996-97				\$0	\$13	\$13	\$26	\$20	\$26	\$26	\$26	\$26	\$26	\$26	\$26		
Proposed Fee 1997-98				\$0	\$14	\$14	\$27	\$20	\$27	\$27	\$27	\$27	\$27	\$27	\$27		
Proposed Fee 1998-99				\$0	\$14	\$14	\$28	\$21	\$28	\$28	\$28	\$28	\$28	\$28	\$28		
Staffing-Maintenance Worker, per 2 hour event	N.A.		\$66.00	\$0	\$33	\$33	\$66	\$50	\$66	\$66	\$66	\$66	\$66	\$66	\$66		
Proposed Fee 1996-97				\$0	\$33	\$33	\$66	\$50	\$66	\$66	\$66	\$66	\$66	\$66	\$66		
Proposed Fee 1997-98				\$0	\$34	\$34	\$68	\$51	\$68	\$68	\$68	\$68	\$68	\$68	\$68		
Proposed Fee 1998-99				\$0	\$35	\$35	\$70	\$53	\$70	\$70	\$70	\$70	\$70	\$70	\$70		
Staffing-Maintenance Worker, per 4 hour event	N.A.		\$118.80	\$0	\$59	\$59	\$119	\$89	\$119	\$119	\$119	\$119	\$119	\$119	\$119		
Proposed Fee 1996-97				\$0	\$59	\$59	\$119	\$89	\$119	\$119	\$119	\$119	\$119	\$119	\$119		
Proposed Fee 1997-98				\$0	\$61	\$61	\$122	\$92	\$122	\$122	\$122	\$122	\$122	\$122	\$122		
Proposed Fee 1998-99				\$0	\$63	\$63	\$126	\$95	\$126	\$126	\$126	\$126	\$126	\$126	\$126		

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY I - COMMUNITY WIDE SPECIAL EVENTS (STAFFING AND VEHICLE COSTS)

SERVICE ITEM	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Staffing-Custodian, per hour	N.A.		\$21.03	\$0	\$11	\$11	\$21	\$16	\$21	\$21	\$21	\$21	\$21	\$21	\$21
Proposed Fee 1996-97				\$0	\$11	\$11	\$21	\$16	\$21	\$21	\$21	\$21	\$21	\$21	\$21
Proposed Fee 1997-98				\$0	\$11	\$11	\$22	\$16	\$22	\$22	\$22	\$22	\$22	\$22	\$22
Proposed Fee 1998-99				\$0	\$11	\$11	\$22	\$17	\$22	\$22	\$22	\$22	\$22	\$22	\$22
Staffing-Custodian, per 2 hour event	N.A.		\$52.59	\$0	\$26	\$26	\$53	\$39	\$53	\$53	\$53	\$53	\$53	\$53	\$53
Proposed Fee 1996-97				\$0	\$26	\$26	\$53	\$39	\$53	\$53	\$53	\$53	\$53	\$53	\$53
Proposed Fee 1997-98				\$0	\$27	\$27	\$54	\$41	\$54	\$54	\$54	\$54	\$54	\$54	\$54
Proposed Fee 1998-99				\$0	\$28	\$28	\$56	\$42	\$56	\$56	\$56	\$56	\$56	\$56	\$56
Staffing-Custodian, per 4 hour event	N.A.		\$94.66	\$0	\$47	\$47	\$95	\$71	\$95	\$95	\$95	\$95	\$95	\$95	\$95
Proposed Fee 1996-97				\$0	\$47	\$47	\$95	\$71	\$95	\$95	\$95	\$95	\$95	\$95	\$95
Proposed Fee 1997-98				\$0	\$49	\$49	\$97	\$73	\$97	\$97	\$97	\$97	\$97	\$97	\$97
Proposed Fee 1998-99				\$0	\$50	\$50	\$100	\$75	\$100	\$100	\$100	\$100	\$100	\$100	\$100
Vehicle-Pick-up Truck, per hour	N.A.	\$1.62		\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1996-97				\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1997-98				\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1998-99				\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Vehicle-Pick-up Truck, per 2 hour event	N.A.	\$4.05		\$0	\$2	\$2	\$4	\$3	\$4	\$4	\$4	\$4	\$4	\$4	\$4
Proposed Fee 1996-97				\$0	\$2	\$2	\$4	\$3	\$4	\$4	\$4	\$4	\$4	\$4	\$4
Proposed Fee 1997-98				\$0	\$2	\$2	\$4	\$3	\$4	\$4	\$4	\$4	\$4	\$4	\$4
Proposed Fee 1998-99				\$0	\$2	\$2	\$4	\$3	\$4	\$4	\$4	\$4	\$4	\$4	\$4
Vehicle-Pick-up Truck, per 4 hour event	N.A.	\$7.29		\$0	\$4	\$4	\$7	\$5	\$7	\$7	\$7	\$7	\$7	\$7	\$7
Proposed Fee 1996-97				\$0	\$4	\$4	\$7	\$5	\$7	\$7	\$7	\$7	\$7	\$7	\$7
Proposed Fee 1997-98				\$0	\$4	\$4	\$8	\$6	\$8	\$8	\$8	\$8	\$8	\$8	\$8
Proposed Fee 1998-99				\$0	\$4	\$4	\$8	\$6	\$8	\$8	\$8	\$8	\$8	\$8	\$8
Vehicle- Utility Vehicle, per hour	N.A.	\$1.31		\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1996-97				\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1997-98				\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1998-99				\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY I - COMMUNITY WIDE SPECIAL EVENTS (STAFFING AND VEHICLE COSTS)

SERVICE ITEM	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Vehicle- Utility Vehicle, per 2 hour event	N.A.	\$3.28		\$0	\$2	\$2	\$3	\$2	\$3	\$3	\$3	\$3	\$3	\$3	\$3
Proposed Fee 1996-97				\$0	\$2	\$2	\$3	\$2	\$3	\$3	\$3	\$3	\$3	\$3	\$3
Proposed Fee 1997-98				\$0	\$2	\$2	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3
Proposed Fee 1998-99				\$0	\$2	\$2	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3	\$3
Vehicle-Utility Vehicle, per 4 hour event	N.A.	\$5.90		\$0	\$3	\$3	\$6	\$4	\$6	\$6	\$6	\$6	\$6	\$6	\$6
Proposed Fee 1996-97				\$0	\$3	\$3	\$6	\$4	\$6	\$6	\$6	\$6	\$6	\$6	\$6
Proposed Fee 1997-98				\$0	\$3	\$3	\$6	\$5	\$6	\$6	\$6	\$6	\$6	\$6	\$6
Proposed Fee 1998-99				\$0	\$3	\$3	\$6	\$5	\$6	\$6	\$6	\$6	\$6	\$6	\$6
Vehicle-Ballfield Conditioner, per hour	N.A.	\$2.16		\$0	\$1	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1996-97				\$0	\$1	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1997-98				\$0	\$1	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1998-99				\$0	\$1	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Vehicle-Parking Lot Sweeper, per hour	N.A.	\$1.82		\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1996-97				\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1997-98				\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1998-99				\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Vehicle-Blower, per hour	N.A.	\$1.29		\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1996-97				\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1997-98				\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1998-99				\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Vehicle-Trailer, per hour	N.A.	\$0.30		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Proposed Fee 1996-97				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Proposed Fee 1997-98				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Proposed Fee 1998-99				\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Vehicle-Trailer, per 2 hour event	N.A.	\$0.75		\$0	\$0	\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1996-97				\$0	\$0	\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1997-98				\$0	\$0	\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1998-99				\$0	\$0	\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY I - COMMUNITY WIDE SPECIAL EVENTS (STAFFING AND VEHICLE COSTS)

SERVICE ITEM	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Vehicle-Trailer, per 4 hour event	N.A.	\$1.35		\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1996-97				\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1997-98				\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Proposed Fee 1998-99				\$0	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1	\$1
Vehicle-Custodial Van, per hour	N.A.	\$1.75		\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1996-97				\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1997-98				\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1998-99				\$0	\$1	\$1	\$2	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Vehicle-Custodial Van, per 2 hour event	N.A.	\$4.38		\$0	\$2	\$2	\$4	\$3	\$4	\$4	\$4	\$4	\$4	\$4	\$4
Proposed Fee 1996-97				\$0	\$2	\$2	\$4	\$3	\$4	\$4	\$4	\$4	\$4	\$4	\$4
Proposed Fee 1997-98				\$0	\$2	\$2	\$5	\$3	\$5	\$5	\$5	\$5	\$5	\$5	\$5
Proposed Fee 1998-99				\$0	\$2	\$2	\$5	\$3	\$5	\$5	\$5	\$5	\$5	\$5	\$5
Vehicle-Custodial Van, per 4 hour event	N.A.	\$7.88		\$0	\$4	\$4	\$8	\$6	\$8	\$8	\$8	\$8	\$8	\$8	\$8
Proposed Fee 1996-97				\$0	\$4	\$4	\$8	\$6	\$8	\$8	\$8	\$8	\$8	\$8	\$8
Proposed Fee 1997-98				\$0	\$4	\$4	\$8	\$6	\$8	\$8	\$8	\$8	\$8	\$8	\$8
Proposed Fee 1998-99				\$0	\$4	\$4	\$8	\$6	\$8	\$8	\$8	\$8	\$8	\$8	\$8
Vehicle-Flatbed Truck, per hour	N.A.	\$2.01		\$0	\$1	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1996-97				\$0	\$1	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1997-98				\$0	\$1	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2
Proposed Fee 1998-99				\$0	\$1	\$1	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2	\$2

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY J -SPECIAL PARK AND FACILITY USES

SERVICE/ RENTAL ITEM	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Filming in City Parks, per 2 hours	\$166.00		\$106.39	\$0	\$53	\$53	\$106	\$80	\$106	\$106	\$106	\$106	\$106	\$106	\$106
Proposed Fee 1996-97				\$0	\$53	\$53	\$106	\$80	\$106	\$106	\$106	\$106	\$106	\$106	\$106
Proposed Fee 1997-98				\$0	\$55	\$55	\$110	\$82	\$110	\$110	\$110	\$110	\$110	\$110	\$110
Proposed Fee 1998-99				\$0	\$56	\$56	\$113	\$85	\$113	\$113	\$113	\$113	\$113	\$113	\$113
Filming in City Parks- each additional hour	\$46.00		\$41.26	\$0	\$21	\$21	\$41	\$31	\$41	\$41	\$41	\$41	\$41	\$41	\$41
Proposed Fee 1996-97				\$0	\$21	\$21	\$41	\$31	\$41	\$41	\$41	\$41	\$41	\$41	\$41
Proposed Fee 1997-98				\$0	\$21	\$21	\$42	\$32	\$42	\$42	\$42	\$42	\$42	\$42	\$42
Proposed Fee 1998-99				\$0	\$22	\$22	\$44	\$33	\$44	\$44	\$44	\$44	\$44	\$44	\$44
Rental of Portable Barbecue Trailer, per event	\$30.00	\$71.17		\$0	\$36	\$36	\$71	\$53	\$71	\$71	\$71	\$71	\$71	\$71	\$71
Proposed Fee 1996-97				\$0	\$36	\$36	\$71	\$53	\$71	\$71	\$71	\$71	\$71	\$71	\$71
Proposed Fee 1997-98				\$0	\$37	\$37	\$73	\$55	\$73	\$73	\$73	\$73	\$73	\$73	\$73
Proposed Fee 1998-99				\$0	\$38	\$38	\$76	\$57	\$76	\$76	\$76	\$76	\$76	\$76	\$76
Rental of Portable Stage without Top- per event	\$340/416	\$417.53		\$0	\$209	\$209	\$418	\$313	\$418	\$418	\$418	\$418	\$418	\$418	\$418
Proposed Fee 1996-97				\$0	\$209	\$209	\$418	\$313	\$418	\$418	\$418	\$418	\$418	\$418	\$418
Proposed Fee 1997-98				\$0	\$215	\$215	\$430	\$323	\$430	\$430	\$430	\$430	\$430	\$430	\$430
Proposed Fee 1998-99				\$0	\$221	\$221	\$443	\$332	\$443	\$443	\$443	\$443	\$443	\$443	\$443
Rental of Portable Stage with Top & Bunling, per event	\$688/830	\$715.12		\$0	\$358	\$358	\$715	\$536	\$715	\$715	\$715	\$715	\$715	\$715	\$715
Proposed Fee 1996-97				\$0	\$358	\$358	\$715	\$536	\$715	\$715	\$715	\$715	\$715	\$715	\$715
Proposed Fee 1997-98				\$0	\$368	\$368	\$737	\$552	\$737	\$737	\$737	\$737	\$737	\$737	\$737
Proposed Fee 1998-99				\$0	\$379	\$379	\$759	\$569	\$759	\$759	\$759	\$759	\$759	\$759	\$759
Portable Stage- out-of-town travel, per hour	\$120.00	\$57.90		\$0	\$29	\$29	\$58	\$43	\$58	\$58	\$58	\$58	\$58	\$58	\$58
Proposed Fee 1996-97				\$0	\$29	\$29	\$58	\$43	\$58	\$58	\$58	\$58	\$58	\$58	\$58
Proposed Fee 1997-98				\$0	\$30	\$30	\$60	\$45	\$60	\$60	\$60	\$60	\$60	\$60	\$60
Proposed Fee 1998-99				\$0	\$31	\$31	\$61	\$46	\$61	\$61	\$61	\$61	\$61	\$61	\$61

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY J -SPECIAL PARK AND FACILITY USES

SERVICE/ RENTAL ITEM	CURRENT FEE	COST OF SERVICE- UNSTAFFED	COST OF SERVICE- STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Rental of Portable Awning, per event	N.A.	\$332.08		\$0	\$166	\$166	\$333	\$250	\$333	\$333	\$333	\$333	\$333	\$333	\$333
Proposed Fee 1996-97				\$0	\$166	\$166	\$333	\$250	\$333	\$333	\$333	\$333	\$333	\$333	\$333
Proposed Fee 1997-98				\$0	\$171	\$171	\$343	\$257	\$343	\$343	\$343	\$343	\$343	\$343	\$343
Proposed Fee 1998-99				\$0	\$177	\$177	\$353	\$265	\$353	\$353	\$353	\$353	\$353	\$353	\$353
Rental of Portable Awning, out-of-town travel	N.A.	\$105.76		\$0	\$53	\$53	\$106	\$79	\$106	\$106	\$106	\$106	\$106	\$106	\$106
Proposed Fee 1996-97				\$0	\$53	\$53	\$106	\$79	\$106	\$106	\$106	\$106	\$106	\$106	\$106
Proposed Fee 1997-98				\$0	\$54	\$54	\$109	\$82	\$109	\$109	\$109	\$109	\$109	\$109	\$109
Proposed Fee 1998-99				\$0	\$56	\$56	\$112	\$84	\$112	\$112	\$112	\$112	\$112	\$112	\$112
Rental of Portable Public Address System, per 4 hours			\$68.63	\$0	\$34	\$34	\$69	\$51	\$69	\$69	\$69	\$69	\$69	\$69	\$69
Proposed Fee 1996-97				\$0	\$34	\$34	\$69	\$51	\$69	\$69	\$69	\$69	\$69	\$69	\$69
Proposed Fee 1997-98				\$0	\$35	\$35	\$71	\$53	\$71	\$71	\$71	\$71	\$71	\$71	\$71
Proposed Fee 1998-99				\$0	\$36	\$36	\$73	\$55	\$73	\$73	\$73	\$73	\$73	\$73	\$73
Rental of P.A. System- each additional hour			\$10.00	\$0	\$5	\$5	\$10	\$8	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Proposed Fee 1996-97				\$0	\$5	\$5	\$10	\$8	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Proposed Fee 1997-98				\$0	\$5	\$5	\$10	\$8	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Proposed Fee 1998-99				\$0	\$5	\$5	\$11	\$8	\$11	\$11	\$11	\$11	\$11	\$11	\$11
Permit for Sales Adjacent to City Parks	\$14	13.94		\$0	\$7	\$7	\$14	\$10	\$14	\$14	\$14	\$14	\$14	\$14	\$14
Proposed Fee 1996-97				\$0	\$7	\$7	\$14	\$10	\$14	\$14	\$14	\$14	\$14	\$14	\$14
Proposed Fee 1997-98				\$0	\$7	\$7	\$14	\$11	\$14	\$14	\$14	\$14	\$14	\$14	\$14
Proposed Fee 1998-99				\$0	\$7	\$7	\$15	\$11	\$15	\$15	\$15	\$15	\$15	\$15	\$15
Special Park, Parking Lot and Trail Uses	N.A.	Fees for labor and equipment to be negotiated at costs included in Category I, other services to be negotiated and billed at actual cost.													

PARKS AND RECREATION DEPARTMENT PROPOSED FEES
 CATEGORY K - TENNIS COURTS

FACILITY	CURRENT FEE	COST OF SERVICE-UNSTAFFED	COST OF SERVICE-STAFFED	PROPOSED FEE - USE PRIORITY #2		PROPOSED FEE - USE PRIORITY #3		PROPOSED FEE - USE PRIORITY #4		PROPOSED FEE - USE PRIORITY #5		PROPOSED FEE - USE PRIORITY #6		PROPOSED FEE - USE PRIORITY #7	
				Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser	Reg Use	Fundraiser
Tennis Courts-Preparation for Tournaments, per park	N.A.	\$170.52		\$0	\$85	\$85	\$171	\$128	\$171	\$171	\$171	\$171	\$171	\$171	\$171
Proposed Fee 1996-97				\$0	\$85	\$85	\$171	\$128	\$171	\$171	\$171	\$171	\$171	\$171	\$171
Proposed Fee 1997-98				\$0	\$88	\$88	\$176	\$132	\$176	\$176	\$176	\$176	\$176	\$176	\$176
Proposed Fee 1998-99				\$0	\$90	\$90	\$181	\$136	\$181	\$181	\$181	\$181	\$181	\$181	\$181
Tennis Courts-Reservation per court, per 2 hours	N.A.	\$9.31		\$0	\$5	\$5	\$9	\$7	\$9	\$9	\$9	\$9	\$9	\$9	\$9
Proposed Fee 1996-97				\$0	\$5	\$5	\$9	\$7	\$9	\$9	\$9	\$9	\$9	\$9	\$9
Proposed Fee 1997-98				\$0	\$5	\$5	\$10	\$7	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Proposed Fee 1998-99				\$0	\$5	\$5	\$10	\$7	\$10	\$10	\$10	\$10	\$10	\$10	\$10
Tennis Courts-Reservation per park, per 2 hours		\$13.46		\$0	\$7	\$7	\$13	\$10	\$13	\$13	\$13	\$13	\$13	\$13	\$13
Proposed Fee 1996-97				\$0	\$7	\$7	\$13	\$10	\$13	\$13	\$13	\$13	\$13	\$13	\$13
Proposed Fee 1997-98				\$0	\$7	\$7	\$14	\$10	\$14	\$14	\$14	\$14	\$14	\$14	\$14
Proposed Fee 1998-99				\$0	\$7	\$7	\$14	\$11	\$14	\$14	\$14	\$14	\$14	\$14	\$14
Tennis Courts-Reservation per court, per day		\$14.39		\$0	\$7	\$7	\$14	\$11	\$14	\$14	\$14	\$14	\$14	\$14	\$14
Proposed Fee 1996-97				\$0	\$7	\$7	\$14	\$11	\$14	\$14	\$14	\$14	\$14	\$14	\$14
Proposed Fee 1997-98				\$0	\$7	\$7	\$15	\$11	\$15	\$15	\$15	\$15	\$15	\$15	\$15
Proposed Fee 1998-99				\$0	\$8	\$8	\$15	\$11	\$15	\$15	\$15	\$15	\$15	\$15	\$15

MODESTO CITY COUNCIL
RESOLUTION NO. 96-398

A RESOLUTION AUTHORIZING ISSUANCE OF CHANGE ORDER TO THE TRIDENT DATA SYSTEMS TO INCORPORATE NEGOTIATED TERMS AND CONDITIONS FOR AN ELECTRONIC DOCUMENT IMAGING SYSTEM WITH SOFTWARE AND RELATED TRAINING FOR THE POLICE DEPARTMENT

WHEREAS, by Resolution No. 96-276, adopted on May 21, 1996, the City of Modesto accepted the bid of Trident Data Systems, for the purchase of an electronic document imaging system with software and related training; and

WHEREAS, on June 24, 1996, the City of Modesto Purchasing Officer received a letter from Trident Data Systems seeking to negotiate mutually acceptable standard purchase order Terms and Conditions; and

WHEREAS, all Terms and Conditions must be mutually negotiated and acceptable by both the City of Modesto and Trident Data Systems.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby authorize the issuance of a Change Order incorporating the negotiated Terms and Conditions as specified in Exhibit A, which is attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED that the execution of said change order by the designated 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 July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk



TRIDENT DATA SYSTEMS

June 24, 1996

Mr. Jim Pregler
Purchasing Dept.
City of Modesto
Police Department
P.O. Box 1746
601 11th Street
Modesto, CA 95353

Subject: Negotiations City of Modesto Standard Purchase Order Terms and Conditions

Reference: (a) Telecon between Andrea Mayner, Mark Bradley, Michael Sparno, (Trident Data Systems) and Jim Pregler, (City of Modesto) dated 21 June 1996
(b) City of Modesto Purchase Order No. 96-77486 dated 6/7/96
(c) City of Modesto specification No. 9596-20

Dear Mr. Pregler:

Pursuant to our subject negotiations, we are pleased to submit the following terms and conditions for your review and approval. These revisions shall be incorporated into the referenced (c) agreement, as such are incorporated into the referenced (b) Purchase Order.

As already discussed, the 90- day warranty stated in our proposal remains in full effect and takes precedence over the two (2) year warranty stated in your specification No. 9596-20.

Replace: 4.8 Contractor's Responsibility for Damages

"If CONTRACTOR damages any property belonging to the CITY, the CITY may either retain from the money due to CONTRACTOR an amount sufficient to repair the damage or require CONTRACTOR to repair the damage to the satisfaction of the CITY at CONTRACTOR'S expense."

Add: 4.8 Contractor's Responsibility for Damages. "In no event shall CONTRACTOR be liable for any incidental, consequential, special, exemplary, or indirect damages, including lost business profits, or loss, damage, or destruction of data, regardless of the form of action, arising out of or in connection with this Agreement or any provision thereof, or the use, the results of, or the inability to use any services, software, processes, data, or any other item delivered under this Agreement, even if CONTRACTOR has been informed of the possibility thereof in advance. CONTRACTOR's liability for damages for any cause whatsoever shall be limited to the fees paid to CONTRACTOR under this Agreement. All the limitations stated in this section shall apply to all causes of action in the aggregate, including without limitation, breach of contract, breach of warranty, negligence, liability, misrepresentation and other torts. No action or claim relating to this Agreement may be instituted more than one (1) year after the event giving rise to such action or claim."

In the event any act or omission of either party or its employees, agents, or representatives causes or results in the (i) loss, damage to or destruction of property of the other party or third parties, and/or (ii) death or injury to persons, including but not limited to employees of either party, then such party shall indemnify, defend and hold the other party harmless from and against any and all claims, actions,

damages, demands, liabilities, costs and expenses including reasonable attorneys' fees and expenses, resulting therefrom.

Replace: 4.11 paragraph 2.b "Anything mentioned in the specifications and not in the Purchase Order, or mentioned in the Purchase Order and not mentioned in the specifications, shall be of like effect as if shown or mentioned in both. In case of difference between the specifications and the Purchase order, the Purchase Order shall govern."

Add: 4.11 paragraph 2.b. *Anything mentioned in the technical specifications and not in the Purchase Order, or mentioned in the Purchase Order and not mentioned in the technical specifications, shall be of like effect as if shown or mentioned in both as it relates to the technical specifications. In case of difference between the technical specifications and the Purchase Order, the Purchase Order shall govern the technical aspects. As pertains to all other terms and conditions, specification 9596-20 shall take precedence.*

Replace: 4.11 paragraph 1.d " He assumes full and complete responsibility for all conditions relevant to the work and all risks in connection therewith."

Add: 4.11 paragraph 1.d - He assumes full and complete responsibility for all conditions relevant to the work and all risks in connection therewith with the exception that the CITY is responsible for all City owned hardware and software compatibility with software specifications, including but not limited to all project related hardware, connectivity and software such as: HP2000 file server with Micropolis raid array running NetWare 4.1, HP 9000 K200 Unix host with Micropolis raid array running HPO UX, Cabletron MMAC hub, Bell & Howell simplex scanners Model 3338A, with simplex SCSI Controller/Bar Code model RSC11, ACC Amazon router for ISDN connectivity with 6 remote sites, CommVision communication/application server, APC UPS, US Robotics Total Control modem pool with eight 14.400 and eight 28.800 modems, Exabyte 10 tape backup unit with two drives and 10 tape capacity, Xionix high resolution grey scale monitors at the scanning workstations, all related workstations and servers, network cabling, cable drops, power outlets and locations, Novell 4.1, HP UX, MagangeWise network management software, Cheyenne Arcserve backup software, Cheyenne Arcserve Client Agent for HP UX, Cabletron system management software, Intel Landesk network management software, Oracle System 7 Workgroup client/server database running on the HP 9000, Novell WordPerfect, Quattrro Pro, Presentations, Envoy, and GroupWise E mail installed on the Novell server and running at the clients workstations, GroupWise Gateway and Message Server for GroupWise E mail. Additionally the City assumes full and complete responsibility for the environmental compatibility required for the proposed system, including but not limited to: facilities locations for hardware, air conditioning, raised flooring and lighting.

Replace 4.12 Failure to Perform

"It is agreed and understood that if the CONTRACTOR fails to perform the work specified herein, CITY's representative may (1) consent to accept such unsatisfactory service with an appropriate adjustment in contract price, based on established cost factors, or (2) have such required work done by CITY forces or otherwise, and charge the cost thereof to the CONTRACTOR. Those discrepancies and deficiencies in the work that remain uncorrected after the date set for correction may be the necessary justification for a billing adjustment in the month following the occurrence. Unless otherwise negotiated, billing adjustments for this incomplete or uncorrected work shall be permanent retention of 100% of the estimated monthly cost for the work not corrected or completed."

Add: 4.12 Failure to Perform

It is agreed and understood that if the CONTRACTOR fails to perform the work specified herein, CITY's representative may consent to accept such unsatisfactory service with an appropriate adjustment in contract price, based on established cost factors. Those discrepancies and deficiencies in the work that remain uncorrected after the date set for correction may be the necessary justification for a billing

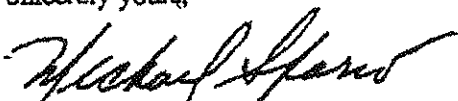
adjustment in the month following the occurrence. Unless otherwise negotiated, billing adjustments for this incomplete or uncorrected work shall be permanent retention of 100% of the estimated monthly cost for the work not corrected or completed.

All other terms and conditions remain unchanged.

We are looking forward to providing technical service to you promptly in response to your Purchase Order. May we request that you execute the changes stated above by signing below.

If you have any questions, please contact the undersigned at (310) 348-6336. Thank you.

Sincerely yours,



Michael Sparno
Business Manager

IN WITNESS WHEREOF, both parties mutually agree to the revisions/additions stated above by their duly authorized representatives.

Trident Data Systems:

City of Modesto:

Signature

Signature

Name

Name

Title

Title

MODESTO CITY COUNCIL
RESOLUTION NO. 96-399

A RESOLUTION REJECTING BIDS FOR FURNISHING ONE READER/PRINTER, OPENED IN THE OFFICE OF THE CITY CLERK ON MAY 17, 1995, AND DISCONTINUE CALL FOR BIDS

WHEREAS, bids received for furnishing one reader/printer, were opened on May 17, 1995; 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 resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for furnishing one reader/printer, opened in the office of the City Clerk on May 17, 1995, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that discontinuance of the call for bids for furnishing one reader/printer is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-400

A RESOLUTION APPOINTING DAVID COGDILL TO FILL
A VACANT COUNCILMEMBER SEAT.

WHEREAS, Section 702 of the Charter of the City of Modesto provides that in the event a vacancy occurs, the Council shall appoint a person to fill such vacancy, and the person appointed shall hold office until a successor is duly elected at the next regular municipal election, and

WHEREAS, said section also provides that in the event the Council does not fill a vacancy by appointment within thirty days after such office shall have become vacant, the Council shall cause an election to be held to fill such vacancy, and

WHEREAS, due to the recent demise of Councilmember Gerald McKinsey, a vacancy exists on the City Council, and

WHEREAS, a special committee consisting of Councilmember Fisher and Councilmember Friedman was appointed by Mayor Lang for the purpose of recommending to the Council a suitable candidate to fill the existing vacancy on the Council, and

WHEREAS, the Council considered this matter at its meeting on Tuesday, July 16, 1996, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time it considered testimony from the general public, both oral and written, as well as the report from the special committee which recommended former Councilmember David Cogdill to

committee which recommended former Councilmember David Cogdill to fill the existing vacancy on the Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that former Councilmember David Cogdill (1991-1995) is hereby appointed to fill the Council seat which became vacant due to the unfortunate demise of Councilmember Gerald McKinsey. Mr. Cogdill has agreed to fill the Council seat until a successor is duly elected at the next regular municipal election which will be held in November, 1997.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1996, 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, Mayor Lang
NOES:	Councilmembers:	McClanahan
ABSENT:	Councilmembers:	Serpa

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-401

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CERTIFY AND TRANSMIT TO THE STANISLAUS AREA ASSOCIATION OF GOVERNMENTS AS THE CONGESTION MANAGEMENT AGENCY AN ANNUAL SELF-CERTIFICATION CHECKLIST FOR THE CONGESTION MANAGEMENT PROGRAM.

WHEREAS, as a requirement of the Congestion Management Program which became effective on July 1, 1992, City staff has recommended that the City Council authorize the City Manager to sign and transmit to the Stanislaus Area Association of Governments (S.A.A.G.) a Stanislaus County Congestion Management Program Annual Self-Certification Checklist for the time period May 1, 1995 through April 30, 1996, which has been reviewed and approved by the Transportation Policy Committee, and

WHEREAS, the self-certification serves two purposes:

1) It is one basis for determining each local jurisdiction's compliance with the Congestion Management Program, and 2) it also provides an opportunity for local jurisdictions to contribute input to the Congestion Management Program process and to identify possible additions to the Congestion Management Program System and Capital Improvement Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute and transmit to the Stanislaus Area Association of Governments (S.A.A.G.) a Stanislaus County Congestion Management Program Annual Self-Certification Checklist

for the time period May 1, 1995 through April 30, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-402

A RESOLUTION ACCEPTING A GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION TO COMPLETE THE AIRPORT'S RECOMMENDED FY 1996/97 CAPITAL IMPROVEMENT PROJECTS, AND AUTHORIZING THE CITY MANAGER TO SIGN THE GRANT OFFER AND ANY FUTURE AMENDMENTS TO INCREASE THE LEVEL OF FEDERAL FUNDS FOR THE RECOMMENDED PROJECTS.

WHEREAS, each year the City is eligible for Airport Improvement Program funds to complete needed airport capital improvements, and

WHEREAS, on April 2, 1996, the City Council approved an application for federal funds which was submitted to the Federal Aviation Administration (FAA), and

WHEREAS, the FAA has determined that it would only fund the Modesto City-County Airport projects at the entitlement level, thus, the grant will not include discretionary money that the City requested in its application, and

WHEREAS, the subject projects are part of the City's approved Passenger Facility charge Program (PFC), and in order for the City to complete the recommended projects, it will be necessary to use the federal grant for 90% of the projects' costs, with the remaining 10% to be funded by the PFC collected by the airlines,

WHEREAS, the City of Modesto is eligible to receive \$383,697 in grant funding to complete the airport's FY 1996/97 capital improvement projects,

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 \$383,697 to complete the airport's FY 1996/97 capital improvement projects.

BE IT FURTHER RESOLVED that the City Manager or his authorized designated City officials are hereby authorized to execute and submit the grant offer, amendments, or any other pertinent documents on behalf of the City of Modesto in relation to this grant offer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael Milich
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-403

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:

Equipment Crewleader

The job specification for the classification of Equipment Crewleader (Range 124), as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after July 16, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Serpa

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EQUIPMENT CREWLEADER

DEFINITION

To assist in the supervision of maintenance staff and to participate in the City's maintenance program; to lead work crews; and to perform the most difficult and complex duties in assigned area of responsibility. Assignments may occur in several functional areas including street maintenance, water operations, or wastewater treatment.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from a Public Works Supervisor.

Exercises functional and technical supervision over assigned maintenance personnel.

EXAMPLES OF DUTIES

Duties may include, but are not limited to, the following:

Provides lead supervision to maintenance staff involved in major construction maintenance, repair and reconstruction activities.

Operates heavy construction equipment such as: backhoe, motor grader, asphalt roller, vactor, wheel loader, crane, and industrial grinder.

Grades and crowns City streets, roads, alleys, levee's, and workpads using a motor grader.

Identifies areas needing repair or maintenance and takes corrective action.

Leads and assists others in a variety of construction maintenance, repair and reconstruction related work.

Maintains accurate records of work performed, materials used, and associated work.

Assists in maintaining time, material and equipment use records.

Requisitions supplies and materials.

Assists in coordinating heavy equipment and general maintenance activities with other City departments, divisions and sections, and with outside agencies.

Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

Methods, practices and equipment used in water, wastewater, street maintenance, repair and reconstruction services and activities.

Methods and techniques used in estimating time and materials for assigned projects.

Tools and equipment used in major construction maintenance, repair and reconstruction.

Safe work practices.

Principles of personnel supervision and training.

Ability to:

Perform a full range of construction, maintenance repair and reconstruction work.

Work independently in the absence of supervision.

Lift and move heavy objects weighing up to 100 lbs.

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

Estimate necessary materials and supplies with a reasonable degree of accuracy.

Understand and follow oral and written instructions.

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 complex construction maintenance experience including the operation of a variety of heavy construction equipment. Part of the required experience should include working in a lead/supervisory capacity or involve training responsibility.

CITY OF MODESTO
Equipment Crewleader (Continued)
3

July , 1996

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 a valid Class B California Driver's License.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-404

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF PETER R. DUTTON FROM THE COMMUNITY QUALITIES FORUM EFFECTIVE JULY 16, 1996

WHEREAS, Peter R. Dutton was appointed a member of the Community Qualities Forum on June 27, 1995; and

WHEREAS, Peter R. Dutton has tendered his resignation from the Community Qualities Forum, effective July 16, 1996; and

WHEREAS, Peter R. Dutton 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 Peter R. Dutton from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to Peter R. Dutton 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 16th day of July, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-405

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE PROJECT TITLED "TULLY ROAD OVERLAY FROM NINTH STREET TO LEONARD AVENUE"

WHEREAS, the bids received for Tully Road Overlay from Ninth Street to Leonard Avenue were opened at 11:00 a.m. on July 2, 1996, 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 \$355,355.14 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 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 23rd day of July, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MDESTO CITY COUNCIL
RESOLUTION 96-406

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE ADDITIONAL FUNDING FOR AN EXISTING CAPITAL IMPROVEMENT PROJECT, "TULLY ROAD OVERLAY FROM NINTH STREET TO LEONARD AVENUE"

WHEREAS, this project will remove the railroad tracks at Tully and Stoddard, reconstruct the outside 8' of Tully Road and overlay the remainder from Ninth to Leonard, install handicapped access ramps in the adjacent sidewalks, and replace root damaged curb, gutter, and sidewalk.

WHEREAS, the second portion of the project is to restripe Tully Road from Ninth to Woodrow. This portion of the project will provide new additional left turn lanes by removing some on-street parking.

WHEREAS, funds are partially budgeted (\$201,000) in account 070-430-F965 Tully Road, Ninth to Leonard Overlay. Additional funds are being requested from two existing projects, as well from the contingency reserve.

WHEREAS, the following adjustments are necessary:

Gas Tax Fund (070)

Fund/Agy/Org		Increase (Decrease)
070-430-F965-6040	Tully Road, Ninth to Leonard Overlay	\$200,552
070-430-F682-6040	Pavement Maintenance	(\$43,611)
070-160-C766-6040	Restripe Tully/9th-Woodrow TWLT	(\$59,570)
070-800-8000-8003	Contingency Reserve	(\$97,371)

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 23rd day of July, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-407

A RESOLUTION ACCEPTING THE BID OF DONALD L. OBERG GENERAL ENGINEERING CONSTRUCTION FOR THE PROJECT TITLED "AIRPORT DISTRICT IMPROVEMENTS - THRASHER AVENUE, BENSON AVENUE, AND LARKIN AVENUE"

WHEREAS, the bids received for Airport District Improvements - Thrasher Avenue, Benson Avenue, and Larkin Avenue were opened at 11:05 a.m. on July 2, 1996, 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 \$390,917.85 from Donald L. Oberg General Engineering 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 Donald L. Oberg 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 July, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-408

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION COMPANY FOR THE PROJECT TITLED "YOSEMITE STORM DRAIN LINE"

WHEREAS, the bids received for Yosemite Storm Drain Line were opened at 11:00 a.m. on July 9, 1996, 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 \$105,760.00 from Rolfe 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 Rolfe Construction Company be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-409

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR THE PROJECT TITLED "AIRPORT WAY OVERLAY AND PASSENGER TERMINAL PARKING LOT"

WHEREAS, the bids received for Airport Way Overlay and Passenger Terminal Parking Lot were opened at 2:05 p.m. on June, 1996, 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 \$231,231.00 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 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 23rd day of July, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-410

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE PROJECT TITLED "H STREET SEWER REPLACEMENT - FIRST STREET TO FIFTH STREET"

WHEREAS, the bids received for H Street Sewer Replacement - First Street to Fifth Street were opened at 11:05 a.m. on July 9, 1996, 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 \$188,505.00 from Rolfe 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 Rolfe Construction Company be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-411

A RESOLUTION ACCEPTING THE BID OF VALLEY SLURRY SEAL COMPANY FOR THE PROJECT TITLED "PAVEMENT REHABILITATION: FEDERAL ADMINISTRATION PROJECT NO. AIP #3-06-0153-16, 17, AND 18"

WHEREAS, the bids received for Pavement Rehabilitation: Federal Administration Project No. AIP #3-06-0153-16, 17, and 18 were opened at 2:00 p.m. on June 18, 1996, 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 \$198,592.00 from Valley Slurry Seal 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 Valley Slurry Seal 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 23rd day of July, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-412

A RESOLUTION ACCEPTING THE BID OF GEO PLASTICS FOR THE PURCHASE OF OIL
RECYCLING CONTAINERS

WHEREAS, as authorized by Resolution 96-274, the bids received for purchase of Oil Recycling Containers were opened at 11:00 a.m. on June 18, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of \$38,399.79 from GEO Plastics be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of GEO Plastics 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 July, 1996, by Councilmember McClanahan, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-413

A RESOLUTION ACCEPTING THE ORCHARD NEIGHBORHOOD PARK, PHASE I PROJECT AS COMPLETE AND AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION

WHEREAS, a contract for the Orchard Neighborhood Park, Phase I Project was awarded to A.V. & C. Construction on September 27, 1994, by Modesto City Council Resolution No. 94-572; and

WHEREAS, due to the contractor's failure to perform, the City Manager, by authority given in the contract specifications, suspended the contract on August 31, 1995; and

WHEREAS, the contractor, A.V. & C. Construction, has been paid \$347,333.95 up to the suspension date, and since that time, City forces have completed the unfinished work; and

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the Orchard Neighborhood Park, Phase I Project, has been completed by City forces.

NOW, THEREFORE, BE IT RESOLVED that the Orchard Neighborhood Park, Phase I Project be accepted; that notice of completion be filed with the 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 July, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Uik 12

MODESTO CITY COUNCIL
RESOLUTION NO. 96-414

A RESOLUTION SUPPORTING CRIME PREVENTION AND
PROCLAIMING TUESDAY, AUGUST 6, 1996, AS
"NATIONAL NIGHT OUT".

WHEREAS, the National Town Watch Association is
sponsoring the 13th Annual edition of a special, coast-to-coast
community crime prevention event on Tuesday, August 6, 1996,
called "National Night Out", and

WHEREAS, the City of Modesto plays an essential role
assisting the Modesto Police Department through its cooperative
crime prevention efforts in Modesto and is in support of the
"National Night Out" locally, and

WHEREAS, the Modesto Police Department is coordinating
local activities planned by Neighborhood Watch groups and
anticipates that approximately 50 neighborhoods in Modesto will
have activity for "National Night Out", and

WHEREAS, it is important that all citizens in Modesto
be aware of the importance of crime prevention programs and the
positive impact that their participation can have in reducing
crime in our neighborhoods, and

WHEREAS, "National Night Out" provides an opportunity
for Modesto to join together with thousands of other communities
across the country in support of safe neighborhoods and to
demonstrate the success of cooperative crime prevention efforts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Council does hereby call upon all of the citizens of Modesto to join the Modesto Police Department and the National Town Watch Association in supporting and participating in the 13th Annual "National Night Out" on Tuesday, August 6, 1996.

BE IT FURTHER RESOLVED that the Council of the City of Modesto does hereby proclaim Tuesday, August 6, 1996, as "National Night Out" in Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

Yerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-415

A RESOLUTION APPROVING AN ACTION PLAN TO
ADDRESS IMPEDIMENTS TO FAIR HOUSING CHOICE.

WHEREAS, City staff has recommended to the Council the adoption of a proposed Action Plan to Address Impediments to Fair Housing Choice, a copy of said proposed plan is on file in the office of the City Clerk, and

WHEREAS, the proposed plan is intended to fulfill a Housing and Urban Development (HUD) requirement of the Community Development Block Grant (CDBG) program, and will direct appropriate staff and committees to review each recommendation further for possible implementation, and

WHEREAS, upon the implementation of the recommendations in said plan, the results expected is a more fair housing choice to the citizens of Modesto and less housing discrimination, and

WHEREAS, said proposed plan was considered at a duly noticed public meeting of the City Council which was held at 4:00 p.m., on Tuesday, July 23, 1996, 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 it hereby approves the Action Plan to Address Impediments to Fair Housing Choice, which is expected to result in a more fair housing choice to the citizens of Modesto and less housing discrimination, a copy of which plan 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 23rd day of July, 1996, 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:	Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

Blank

MODESTO CITY COUNCIL
RESOLUTION NO. 96-416

A RESOLUTION GRANTING BLANKET AUTHORIZATION
FOR THE ADVANCEMENT OF FUNDS TO ACQUIRE
FORECLOSED PROPERTY ON WHICH CDBG LOANS ARE
OUTSTANDING.

WHEREAS, foreclosure bidding procedures require that all bidders have in hand at the time of bidding cashier's checks to be submitted for the full amount of their bid, and

WHEREAS, by an agenda report to the Council dated July 15, 1996, from the Housing and Neighborhoods Division, City staff requested the Council to grant blanket authorization for the advancement of funds to acquire foreclosed property on which Community Development Block Grant (CDBG) loans are outstanding, and

WHEREAS, in the event that the City did acquire property in this manner, the proposal is that the City would sell the property, preferably to a low or moderate income buyer, and repay the loan, thereby allowing the City to assume the role of a bank in protecting certain real estate secured assets, and

WHEREAS, the use of budgeted direct loan appropriations in CDBG funds (Funds 113, 115, and 116) would need to be authorized to be advanced for the purpose of acquiring foreclosed property on which CDBG loans are outstanding, and

WHEREAS, said matter was considered at a duly noticed public meeting of the City Council which was held at 4:00 p.m., on Tuesday, July 23, 1996, 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 it hereby grants authorization for the advancement of funds (Funds 113, 115 and 116) for the purpose of acquiring foreclosed property on which CDBG loans are outstanding.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1996, 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:	Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-417

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH HEIN HETTINGA AND AMOS DE GROOT FOR THE LEASE OF PROPERTY ADJACENT TO THE SECONDARY WASTEWATER TREATMENT PLANT

BE IT RESOLVED by the Council of the City of Modesto that the amendment to the agreement with Hein Hettinga and Amos De Groot for the lease of property adjacent to the Secondary Wastewater Treatment Plant be, and it is hereby resolved.

BE IT FURTHER RESOLVED that the execution of said agreement amendment by the designated 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 July, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-418

A RESOLUTION REJECTING PROPOSALS RECEIVED FOR THE LEASE OF APPROXIMATELY 3,275 ACRES OF CITY-OWNED RANCH IRRIGATED BY TREATED WASTEWATER

WHEREAS, Resolution No. 96-117, adopted by the Council of the City of Modesto on March 12, 1996, authorized the request for proposals for the lease of approximately 3,275 acres of City-owned ranch irrigated by treated wastewater; and

WHEREAS, the proposals received for the lease of the City-owned ranch were received and reviewed by staff and staff recommends rejecting the proposals and extending the current lease.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the proposals received for the lease of approximately 3,275 acres of City-owned ranch irrigated by treated wastewater are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-419

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
TRANSFER A CITY ISSUED POLICE GUN TO RETIRED
CITY POLICE DETECTIVE FRED VAUGHN.

WHEREAS, Fred Vaughn was first employed by the City of
Modesto as a Police Officer, and then as a Police Detective, and

WHEREAS, as a Detective, he worked in the Crimes
Against Persons Unit, a high profile and important assignment,
and

WHEREAS, Fred Vaughn was a highly regarded
investigator, solving many important cases for the Modesto Police
Department, and

WHEREAS, his quiet competence served as an example to
many others in the Department, and for twenty-seven (27) years
Fred Vaughn was dedicated to serving the citizens of Modesto, and

WHEREAS, former Police Detective Fred Vaughn retired
from the Modesto Police Department on December 28, 1993, and

WHEREAS, the family of Fred Vaughn wishes to mount his
police gun on a plaque for his enjoyment in reminiscing about his
law enforcement career,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the City Manager is hereby authorized to
transfer the City issued police gun to retired City Police
Detective Fred Vaughn for his enjoyment in reminiscing about his
law enforcement career.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1996, 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: 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 FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-420

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CAMP DRESSER & MCKEE, INC. TO PROVIDE ENVIRONMENTAL ENGINEERING SERVICES AND ENVIRONMENTAL AUDIT IN CONNECTION WITH PROPERTY BOUNDED BY 9TH, B, 10TH, AND MORTON (BLOCKS 48 AND "T"), AND AUTHORIZING CITY ATTORNEY TO EXECUTE THE AGREEMENT AND OTHER SIMILAR CONTRACTS IN AMOUNTS UNDER \$20,000 FOR THE SAME PURPOSE ON BEHALF OF THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Camp Dresser & McKee, Inc. to provide environmental engineering services and environmental audit in connection with property bounded by 9th Street, B Street, 10th Street and Morton Boulevard (Blocks 48 and "T") be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement and other similar agreements for the same purposes in amounts under \$20,000 for the same purposes, on behalf of the City of Modesto by the City Attorney 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 July, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

**MODESTO CITY COUNCIL
RESOLUTION 96-421**

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE FUNDING FROM THE RESERVE FOR TWO NEW CAPITAL IMPROVEMENT PROJECTS.

WHEREAS, two new projects are necessary in the former Del Este, non-MID Service Area. These projects are the purchase of a well site and installation of pump station in Hickman, \$120,000; and the purchase of equipment to increase the capacity of the electro dialysis filter at Well 295 in Grayson, \$90,000.

WHEREAS, funds for these two projects were not included in the FY 1996-97 CIP requests. This happened because, at the time of budget preparation, it appeared the projects would be ready for implementation during FY 1995-96 and that the budget amendment would occur at that time.

WHEREAS, the following adjustments are necessary:

Water Fund- Former DEWC non-MID Svc Area (616)

Fund/Agy/Org		Increase (Decrease)
Expenditures		
616-480-H822-6040	Well Site Acquisition/Pump Station Installation-Hickman	\$120,000
616-480-H827-6040	Equipment to increase electro dialysis filter capacity-Grayson	\$90,000
616-800-8000-8003	Contingency Reserve	(\$210,000)

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 23rd day of July, 1996, 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: 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 FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-422

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 AREA NO. 25 PERTAINING TO OLYMPIC VILLAGE SUBDIVISION, REZONING, PRECISE PLAN AND REQUIREMENT FOR DEVELOPMENT AGREEMENT (LAWSON AND LOWE DEVELOPMENT, 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, Warren Lawson and Lowe Development, Inc., have applied for approval of a precise plan, a vesting tentative subdivision map (Olympia Subdivision), a zone change from Specific Holding, SP-H, zone to Specific Plan Overlay, SP-O, zone and underlying Low Density Residential, R-1, zone, and

WHEREAS, on June 18, 1996, 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, by Environmental Assessment No. 96-85 findings have been made 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. 96-34, adopted on July 1, 1996, and City staff, by a report dated July 29, 1996, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 25 of the Village One Specific Plan as set forth in said Resolution No. 96-34, and an Amendment to Section 13-3-9 of the Zoning Map to establish principal underlying R-1 zoning together with a Specific Plan, SP-0, Overlay Zone on Precise Plan Area 25, located at the southeast corner of Floyd Avenue and Esta Avenue, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on August 6, 1996, 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. 96-85, entitled "Use of Previous EIR and Findings", for the proposed project, and the Council hereby

makes the following findings:

1. That the project is within the scope of the Village One Specific Plan 1990 Program EIR as amended by the Village One Final Supplemental EIR adopted May 24, 1994 (State Clearing House No. 90020181). These documents adequately describe the project for purposes of CEQA. Therefore, no new environmental document is required (Section 15168(c)(2), State CEQA Guidelines).
2. The proposed Vesting Tentative Subdivision Map in Precise Plan Area No. 25 poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162(a)(1) State CEQA Guidelines).
3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162(a)(2) State CEQA Guidelines).

A copy of said Environmental Assessment No. 96-85, entitled "Use of Previous EIR and Findings", 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 6th day of August, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

City of Modesto

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT ENVIRONMENTAL ASSESSMENT COMMITTEE

USE OF PREVIOUS EIR AND FINDINGS

E. A. No. 96-85

I. BACKGROUND

1. **Name of Project:**
Olympic Village (PPA-25)
2. **Name, Address and Phone Number of Proponent:**
Lowe Development 609 Cherry Hill Ct. Modesto CA 523-4223
3. **Type of Project:**
VTSM
4. **Location:**
Precise Plan Area No. 25 is bordered by Floyd Ave. on the north, Sharon Ave. on the south, and Fine Ave. on the east and Esta Ave. on the west. This proposal is for the western portion of PPA No. 25
5. **Description of Proposed Project:**
The approval and adoption of Precise Plan Area 25 and the approval of a 113 lot vesting tentative subdivision map for the western portion of the above mentioned Precise Plan Area.

References to the EIR and mitigation measures in this document pertain to the Village One EIR (SCH#90020181) as amended by the Supplemental EIR. The 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted May 24, 1994. The Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These measures have been revised by the Supplemental EIR which is now the project EIR. All 40 Mitigation Measures contained in the Supplemental EIR have been incorporated into the Specific Plan and Facilities Master Plan and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and Transportation Department will incorporate the appropriate mitigation measures from the Supplemental EIR.

City of Modesto

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT ENVIRONMENTAL ASSESSMENT COMMITTEE

USE OF PREVIOUS EIR AND FINDINGS

E. A. No. 96-85

I. BACKGROUND

1. **Name of Project:**
Olympic Village (PPA-25)
2. **Name, Address and Phone Number of Proponent:**
Lowe Development 609 Cherry Hill Ct. Modesto CA 523-4223
3. **Type of Project:**
VTSM
4. **Location:**
Precise Plan Area No. 25 is bordered by Floyd Ave. on the north, Sharon Ave. on the south, and Fine Ave. on the east and Esta Ave. on the west. This proposal is for the western portion of PPA No. 25
5. **Description of Proposed Project:**
The approval and adoption of Precise Plan Area 25 and the approval of a 113 lot vesting tentative subdivision map for the western portion of the above mentioned Precise Plan Area.

References to the EIR and mitigation measures in this document pertain to the Village One EIR (SCH#90020181) as amended by the Supplemental EIR. The 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted May 24, 1994. The Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These measures have been revised by the Supplemental EIR which is now the project EIR. All 40 Mitigation Measures contained in the Supplemental EIR have been incorporated into the Specific Plan and Facilities Master Plan and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and Transportation Department will incorporate the appropriate mitigation measures from the Supplemental EIR.

II. ENVIRONMENTAL IMPACTS

A. EARTH. Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Unstable earth conditions or in changes in geologic substructures?	___	___	___✓
2. Disruptions, displacements, compaction or overcovering of soil?	___	___	___✓
3. Change in topography or ground surface?	___	___	___✓
4. The destruction, covering or modification of any unique geologic or physical features?	___	___	___✓
5. Any increase in wind or water erosion of soils, either on or off the site?	___	___	___✓
6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, or ground failure?	___	___	___✓

Discussion: The project area does not overlie any major land formation, fault line, sensitive lands, or unique geological features. Earth related impacts are adequately covered on pages 4.7-1 to 4.7-14 of the 1990 Program EIR, and on pages III-105 to III-108 of the Final Supplement to an EIR for the Proposed Village One Specific Plan Amendment No. 4.

The project site is relatively flat and has not been used as a landfill site, any potential for unstable soil conditions would be determined by the Chief Building Official through review of soil reports to determine if foundation investigations and appropriate building design are required pursuant to the UBC (Geology & Soils, Page III-106, Final Supplement an Environmental Impact Report for the Proposed Village One Specific Plan Amendment No. 4).

Therefore, the previous analysis and corresponding mitigation measures for Geologic and Seismic impacts are adequate.

B. AIR Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Substantial air emission or deterioration of ambient air quality?	___	___	___✓
2. The creation of objectionable odors?	___	___	___✓

AIR Will the proposal result in:

Yes Maybe No

3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?

___ ___ ✓

Discussion: The project will have a very similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

C. WATER Will the proposal result in:

Yes Maybe No

1. Changes in currents, or the course of direction of fresh water movements?
2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?
3. Alterations to the course of flow of flood waters?
4. Change in the amount of surface water in any water body?
5. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

___ ___ ✓

___ ___ ✓

___ ___ ✓

___ ___ ✓

___ ___ ✓

- | | | | | |
|----|--|-----|-----|---|
| 6. | Alteration of the direction or rate of flow of ground waters? | ___ | ___ | ✓ |
| 7. | Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | ___ | ___ | ✓ |
| 8. | substantial reduction in the amount of public water supply? | ___ | ___ | ✓ |
| 9. | Exposure of people or property to water related hazards such as flooding? | ___ | ___ | ✓ |

Discussion: The project will not introduce any new impacts not already covered in the 1990 Program EIR and the 1994 Supplemental EIR. Hydrology has been adequately addressed on pages 4.8-1 to 4.8-18 of the Program EIR, as well as on pages III-109 to III-119 of the Final Supplemental EIR.

The project will not effect the quantity of groundwaters nor will it impact groundwater recharge capability. The project will have no effect on groundwater flows. Because of the Specific Plan's requirement for the project to connect to a positive stormwater system, the project will have no impact on groundwater quality (Mitigation Measure No 28, Page II-44, Final Supplement to an Environmental Impact Report).

For this reason, the analysis of impacts and its corresponding mitigation measures on water resources are adequate.

- D. PLANT LIFE** Will the proposal result in:
- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|--|------------|--------------|-----------|
| 1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? | ___ | ___ | ✓ |
| 2. Reduction of the numbers of any unique, rare or endangered species of plants? | ___ | ___ | ✓ |
| 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | ___ | ___ | ✓ |
| 4. Reduction in acreage of any agricultural crop? | ___ | ___ | ✓ |

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)?	___	___	<u>✓</u>
2. Reduction of the numbers of any unique, rare or endangered species of animals?	___	___	<u>✓</u>
3. Introduction of new species of animals?	___	___	<u>✓</u>
into the area, or result in a barrier to the migration or movement of animals?	___	___	<u>✓</u>
4. Deterioration to existing fish or wildlife habitat?	___	___	<u>✓</u>

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

F. NOISE Will the proposal result in significant:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Increases in existing noise levels?	___	___	<u>✓</u>
2. Exposure of people to severe noise levels?	___	___	<u>✓</u>
3. Will the project require noise abatement			

measures?

___ ___

- 4. Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity?

___ ___

Discussion:

Noise Impacts were addressed on pages 4.6-1 to 4.6-21 of the Program EIR and on pages III-55 to III-67 of the Final Supplemental EIR. The proposed project will not introduce new noise related impacts that were not addressed in the EIR.

Construction would not cause a significant increase in noise generation. There would be no significant increase in transportation-related noise from trains or autos.

There would be no impact from exposure of people to severe noise levels during either operation or construction (Mitigation Measure No. 22, Page II-38, Final Supplement to an Environmental Impact Report.

For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

- G. **LIGHT AND GLARE** Would on or off-site residents be subject to light or glare that would disturb those residents? Yes Maybe No
___ ___

Discussion:

Construction of project would not create any significant light or glare impacts. Although the installation of lighting is planned for streets, City Engineering Division staff routinely review lighting plans to ensure electroliers are not aimed directly at residences. For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

- H. **LAND USE** Will the proposal result in a substantial alteration of the present or planned land use of an area? Yes Maybe No
___ ___

Discussion: The project is still within the range of uses analyzed in the Program EIR. This new number would yield a total residential program within the range analyzed in the Program EIR of 7,000 to 8,000 units (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994) and therefore is a Less than Significant change.

Land use impacts were addressed on pages 4.1-1 to 4.1-25 in the Program EIR and on pages III-80-III-94 of the Final Supplemental EIR. The proposed project will not

introduce new land use related impacts not addressed in the EIR. Thus, the previous analysis on impacts to land uses is adequate.

I. NATURAL RESOURCES Will the proposal result in an increase in the rate of use of any natural resource? Yes Maybe No
 _____ _____ ✓

Discussion: The proposed revisions to the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR. Thus, the previous analysis on impacts to natural resources is adequate.

J. RISK OF UPSET Will the proposal involve: Yes Maybe No

1. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? _____ ✓
2. Possible interference with an emergency response plan or an emergency evacuation plan? _____ ✓

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

K. POPULATION Will the proposal: Yes Maybe No
 Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR? _____ ✓

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed project will not introduce any new

population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not changed. Therefore, the previous population growth impact analysis is adequate.

L. HOUSING Will the proposal: Yes Maybe No

Affect existing Housing, or create a demand for additional housing that was not considered in the EIR? ___ ___ ✓

Discussion: Any environmental problems associated with this project related to housing have been addressed on pages 4-2-1 to 4-2-17 of the Program EIR as well as on pages III-95 to III-99 of the Final Supplemental EIR. The project would yield a total residential program within the range analyzed in the Program EIR of 7,000 to 8,000 units (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994) and therefore is a Less than Significant change. Thus, the previous impacts on housing associated with this project have been adequately analyzed.

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant: Yes Maybe No

1.	Generation of substantial additional vehicular movement?	___	___	<u>✓</u>
2.	Effects on existing parking facilities, or demand for new parking?	___	___	<u>✓</u>
3.	Substantial impact upon existing transportation systems?	___	___	<u>✓</u>
4.	Alterations to present patterns of circulation or movement of people and/or goods?	___	___	<u>✓</u>
5.	Alterations to rail or air traffic?	___	___	<u>✓</u>
6.	Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians?	___	___	<u>✓</u>

Discussion: Any impacts related to transportation and circulation have been addressed on pages 4.4-1 to 4.4-42 in the Program EIR, as well as on pages III-40 to III-44 of the Final Supplemental EIR. The Final Supplemental EIR found that any additional impacts resulting from the project can be mitigated to a less than Significant level (Environmental Effects, Page II-9, Final Supplemental EIR). Mitigation measures 6 through 20 of the Final Supplemental EIR pertain to

Transportation and circulation impacts. The project specific mitigation measures will be applied as determined by the Public Works and Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Fire protection?	___	___	<u>✓</u>
2.	Police Protection?	___	___	<u>✓</u>
3.	Schools?	___	___	<u>✓</u>
4.	Parks or other recreational facilities?	___	___	<u>✓</u>
5.	Maintenance of public facilities, including roads?	___	___	<u>✓</u>
6.	Other governmental services?	___	___	<u>✓</u>

Discussion:

Construction of the project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II -52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).

Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.

O. UTILITIES AND ENERGY	Will the proposal Result in a need for new systems, or substantial alterations to the following utilities:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Power or Natural gas?	—	—	✓
2.	Communications systems?	—	—	✓
3.	Water?	—	—	✓
4.	Sewer and septic tanks?	—	—	✓
5.	Storm water drainage?	—	—	✓
6.	Solid waste disposal?	—	—	✓
7.	Substantial amounts of fuel or energy?	—	—	✓

Discussion:

The Modesto Irrigation District and the Pacific Gas & Electric Company have indicated they will be able to serve the Village One area which includes the project.

Pacific Bell Telephone Company and Post Newsweek Cable Company have indicated they can serve the Village One area.

The City of Modesto's water distribution lines will be extended to serve the project (Mitigation Measure No. 32, Page II-48, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto's sewer lines will be extended to serve the project site (Mitigation Measure No. 34, Page II-50, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto will require the installation of Storm water drainage facilities to serve the site (Mitigation Measure No. 27, Page II-43, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan The project will be served by the City/County Waste-to-Energy facility (Public Services, Pages III-125 & 126, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

P. HUMAN HEALTH Will the proposal result in: Yes Maybe No

- | | | | | |
|----|---|---|---|---|
| 1. | Creation of any health hazard or potential health hazard (excluding mental health)? | — | — | ✓ |
| 2. | Exposure of people to potential health hazards? | — | — | ✓ |

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? Yes Maybe No

— — ✓

Discussion:

The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan. The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

R. CULTURAL RESOURCES Yes Maybe No

- | | | | | |
|----|---|---|---|---|
| 1. | Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site? | — | — | ✓ |
| 2. | Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object? | — | — | ✓ |
| 3. | Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? | — | — | ✓ |
| 4. | Will the proposal restrict existing religious or sacred uses within the potential impact area? | — | — | ✓ |

Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the Program EIR on pages 4-1, response no. 4.3. The research did not produce any finding for any historical, ethnographic and archaeological resources. The proposed project would not introduce any new cultural resource related impacts, therefore, no Cultural Resources impacts would occur.

S. MANDATORY FINDINGS OF SIGNIFICANCE Yes Maybe No

- | | | | | |
|----|--|---|---|---|
| 1. | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal or eliminate important examples of the major periods of California history or prehistory? | — | — | ✓ |
| 2. | Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals? | — | — | ✓ |
| 3. | does the project have impact which are individually limited, but cumulatively considerable? | — | — | ✓ |
| 4. | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | — | — | ✓ |

T. RECOMMENDED CONDITIONS OF APPROVAL

U. MITIGATION MEASURES

The financing, scheduling, and monitoring for performance of Mitigation Measures listed in the EIR that pertain to this proposal shall be accomplished by the Pubic Works and Transportation Department.

On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR which (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).
2. The proposed VTSM in PPA-25 poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162 (a)(1) State CEQA Guidelines).
3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162 (a)(2) State CEQA Guidelines).

Signature: John Mayer

Date: 6-18-96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-423

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE PROJECT TITLED "VARIABLE SPEED DRIVES - INFLUENT/EFFLUENT PUMPS"

WHEREAS, the bids received for Variable Speed Drives - Influent/Effluent Pumps were opened at 11:15 a.m. on July 23, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$265,700.00 from Ross F. Carroll 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 Ross F. Carroll Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-424

A RESOLUTION ACCEPTING THE BID OF WESTERN DREDGE INC. FOR THE PROJECT TITLED "DREDGING AT SECONDARY TREATMENT PLANT"

WHEREAS, the bids received for Dredging at Secondary Treatment Plant were opened at 2:10 a.m. on June 18, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$521,873.00 from Western Dredge 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 Western Dredge 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 August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-425

A RESOLUTION ACCEPTING THE BID OF CLYDE WHEELER PIPELINE FOR THE PROJECT TITLED "SCENIC DRIVE WATERLINE"

WHEREAS, the bids received for Scenic Drive Waterline were opened at 11:05 a.m. on July 23, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$149,469.70 from Clyde Wheeler Pipeline be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Clyde Wheeler Pipeline 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 August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-426

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER IN THE AMOUNT OF \$47,482.17
TO FULLY FUND THE SCENIC DRIVE WATERLINE PROJECT

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

FROM: Extend Water Mains (612 480 H093 6040)	\$47,842.17
TO: Scenic: Coffee to the West (612 480 E541 6000)	\$47,842.17

Funds are needed to fully fund the project because the original project
was under budgeted.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 6th day of August, 1996, by
Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-427

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL INC. FOR THE PROJECT TITLED "PRESCOTT ROAD - ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS"

WHEREAS, the bids received for Prescott Road - Road Construction and Drainage Improvements were opened at 11:00 a.m. on July 16, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$541,801.20 from Ross F. Carroll 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 Ross F. Carroll Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, 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

**MODESTO CITY COUNCIL
RESOLUTION 96-428**

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR A NEW CAPITAL IMPROVEMENT PROJECT, "PRESCOTT ROAD-ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS".

WHEREAS, the project location is Prescott road between Rumble Road and Briggsmore Avenue. The project will improve the existing pavement surface by placing an asphalt concrete overlay on the existing surface and improve the rockwell drainage system by installing additional rockwells and catch basins. Minor water and sewer system improvements will be done along with this project (funded from water and sewer projects, respectively) in order to avoid future pavement cuts which can shorten the useful life of the new pavement and cause rideability problems.

WHEREAS, funding for this new project will be provided by the Storm Dain Contingency Rserve.

WHEREAS, the following adjustments are necessary:

Storm Drain Fund (628)

Fund/Agy/Org		Increase (Decrease)
Expenditures		
628-800-8000-8003	Storm Drain Contingency Reserve	(\$220,599)
628-480-H037-6040	Prescott Road-Construction and Drainage Improvements	\$220,599

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-429

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL INC. FOR THE PROJECT TITLED "ROCKWELL REPLACEMENT/ADDITION 96/97"

WHEREAS, the bids received for Rockwell Replacement/Addition 96/97 were opened at 11:05 a.m. on July 16, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$356,330.05 from Ross F. Carroll 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 Ross F. Carroll Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-430

A RESOLUTION ACCEPTING THE BID OF GROVER LANDSCAPING INC. FOR THE PROJECT TITLED "CHRYSLER 99 PARK PHASE I"

WHEREAS, the bids received for Chrysler 99 Park Phase I were opened at 11:05 a.m. on July 16, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$310,250.38 from Grover Landscaping 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 Grover Landscaping 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 August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-431

A RESOLUTION ACCEPTING THE PROJECT TITLED "HANDICAP RESTROOM REMODEL - WESTSIDE PARK" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Handicap Restroom Remodal - Westside Park, has been completed by Howell Construction Inc., in accordance with the contract agreement dated November 28, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Handicap Restroom Remodel - Westside Park be accepted from said contractor, Howell Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$39,211.07 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 August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-432

A RESOLUTION ACCEPTING THE PROJECT TITLED KANSAS AVENUE & 9TH STREET TRAFFIC IMPROVEMENT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Kansas Avenue and 9th Street Traffic Improvement, has been completed by Collins Electrical Company Inc., in accordance with the contract agreement dated January 2, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Kansas Avenue and 9th Street Traffic Improvement, be accepted from said contractor, Collins Electrical Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$43,943.95 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-433

A RESOLUTION ACCEPTING THE PROJECT TITLED WOODLAND AVENUE LIFT STATION GENERATOR AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Woodland Avenue Lift Station Generator, has been completed by Collins Electrical Company Inc., in accordance with the contract agreement dated August 15, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Woodland Avenue Lift Station Generator be accepted from said contractor, Collins Electrical Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$93,646.48 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-434

A RESOLUTION ACCEPTING THE PROJECT TITLED MCHENRY MUSEUM REROOF PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled McHenry Museum Reroof Project, has been completed by King's Roofing, in accordance with the contract agreement dated September 12, 1995.

NOW, THEREFORE, BE IT RESOLVED that the McHenry Museum Reroof Project be accepted from said contractor, King's Roofing; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$89,683.27 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 August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-435

A RESOLUTION ACCEPTING THE BID OF HENNINGS BROS. DRILLING FOR FURNISHING WATER WELL CONSTRUCTION AND TESTING SERVICES FOR FY 96/97

WHEREAS, Resolution No. 96-212, adopted by the Council of the City of Modesto on May 7, 1996 approved the specifications for furnishing Water Well Construction and Testing Services for FY 96/97; and

WHEREAS, the bids received for Water Well Construction and Testing Services for FY 96/97, were opened at 2:15 p.m. on May 28, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Hennings Bros. Drilling for a total amount of \$180,000.00 for the first year and a three-year total cost of \$540,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Hennings Bros. Drilling be accepted and the preparation of an annual 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 6th day of August, 1996, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-436

A RESOLUTION ACCEPTING THE BID OF VALLEY ELECTRIC AND WESCO FOR FURNISHING DRY CELL BATTERIES FOR FY 96/97

WHEREAS, Resolution No. 96-249, adopted by the Council of the City of Modesto on May 14, 1996 approved the specifications for furnishing Dry Cell Batteries for FY 96/97; and

WHEREAS, the bids received for Dry Cell Batteries for FY 96/97, were opened at 11:05 a.m. on June 3, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bids of Valley Electric and Wesco for a total amount of \$5,129.00 for the first year and a three-year total cost of \$15,387.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids of Valley Electric and Wesco be accepted and the preparation of annual purchase orders 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 August, 1996, by Councilmember McClanahan, 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, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-437

A RESOLUTION ACCEPTING THE BID OF QUALITY CONTROL INSPECTION INC. FOR
FURNISHING CONSTRUCTION MATERIAL TESTING SERVICES

WHEREAS, Resolution No. 96-248, adopted by the Council of the City of Modesto on May 14, 1996 approved the specifications for furnishing Construction Material Testing Services; and

WHEREAS, the bids received for Construction Material Testing Services, were opened at 11:00 a.m. on June 3, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Quality Control Inspection Inc. for a total amount of \$20,550.00 for the first year and a three-year total of \$61,650.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Quality Control Inspection Inc. be accepted and the preparation of an annual 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 6th day of August, 1996, by Councilmember McClanahan, 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,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-438

A RESOLUTION REJECTING BIDS FOR ROCK, SAND, AND GRAVEL REQUIREMENTS, OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 3, 1996, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, bids received for Rock, Sand, and Gravel Requirements, were opened on June 3, 1996; and

WHEREAS, during the bid evaluation process, staff saw that the submitted bids did not contain all the required samples and were deemed incomplete, therefore, staff recommends bids be rejected and re-evaluation of the specifications and resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for Rock, Sand, and Gravel Requirements, opened in the office of the City Clerk on June 3, 1996, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Rock, Sand and Gravel will be held August 20, 1996, at 11:00 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-439

A RESOLUTION REJECTING BIDS FOR ANNUAL WATER WELL PUMP REPAIR SERVICE, OPENED IN THE OFFICE OF THE CITY CLERK ON MAY 28, 1996, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, bids received for Annual Water Well Pump Repair Service, were opened on May 28, 1996; and

WHEREAS, during the bid evaluation process, it was noted that one of the two bids submitted offered pricing for replacing broken parts with new versus repair as specified, therefore, staff recommends bids be rejected and re-evaluation of the specifications and resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for Water Well Pump Repair Service, opened in the office of the City Clerk on May 28, 1996, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Water Well Pump Repair Service will be held August 20, 1996, 11:10 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-440

A RESOLUTION REJECTING BIDS FOR DIGESTER CLEANING SERVICES, OPENED IN THE OFFICE OF THE CITY CLERK ON MAY 28, 1996, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, bids received for Digester Cleaning Services, were opened on May 28, 1996; and

WHEREAS, during the bid evaluation process, staff saw that one vendor who had requested a bid packet did not receive one, therefore, staff recommends bids be rejected and re-evaluation of the specifications and resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for Digester Cleaning Services, opened in the office of the City Clerk on May 28, 1996, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Digester Cleaning Services will be held August 20, 1996, at 2:00 p.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-441

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE LEASE/PURCHASE OF TWO PIERCE "SABRE" PUMPERS FROM PIERCE MANUFACTURING THROUGH GOLDEN STATE FIRE APPARATUS OF MODESTO VIA THE CITY OF SANTA CRUZ CONTRACT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the lease/purchase of Two Pierce "Sabre" Pumpers is hereby waived.

BE IT FURTHER RESOLVED that purchase of Two Pierce "Sabre" Pumpers from Pierce Manufacturing through Golden State Fire Apparatus of Modesto via the City of Santa Cruz contract for a not to exceed price of \$507,553.04 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 6th day of August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-442

A RESOLUTION APPROVING A LEASE/PURCHASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MUNICIPAL LEASING ASSOCIATES INC. FOR LEASE/PURCHASE OF TWO FIRE PUMPERS

WHEREAS, in the Spring of 1996, the City of Santa Cruz purchased two pumpers and in their contract language included a "piggyback" provision that allows any other agency to participate in the final contract, and;

WHEREAS, the City of Modesto Fire Department's two front-line apparatus scheduled for replacement are 1977-vintage pumpers that will be removed from service and auctioned out of the fleet; and

WHEREAS, the City of Modesto solicited third party proposals for lease/purchase financing of two fire pumpers having an approximate purchase cost of \$507,553.04; and

WHEREAS, Municipal Leasing Associates, Inc., acting as lessor on behalf of itself or its nominee has offered the City the most cost effective financing requiring periodic lease payments including principal plus interest.

NOW, THEREFORE BE IT RESOLVED, the City of Modesto Finance Department will process the necessary documents and issue a purchase order to Golden State Fire Apparatus of Modesto for two pumpers; Golden State will issue its own purchase order to Pierce Manufacturing in Wisconsin; Municipal Leasing Associates Inc. will pay \$507,553.04 to Golden State; the City of Modesto will, over the next ten years be obligated to pay no more than \$66,763.69 annually to Municipal Leasing Associates Inc.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease/purchase agreement between the City of Modesto and Municipal Leasing Associates Inc. for the lease/purchase of two fire pumpers be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, 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

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-443**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET
TO APPROPRIATE A CAPITAL IMPROVEMENT PROJECT IN THE
AMOUNT OF \$507,544 INTO THE SPECIAL FUND FOR CAPITAL OUTLAY
AND ESTIMATE OFFSETTING LEASE PAYMENT PROCEEDS REVENUE**

WHEREAS, the Fire Department utilizes fourteen pumper apparatus and their useful life span is projected at fifteen years in front line service and five years in reserve status; with two front line apparatus scheduled for replacement and two reserve pumpers being removed from service and auctioned out of the fleet;

WHEREAS, in August 1995, the Fire Department established a Truck Company Replacement Committee which developed bid specifications for aerial apparatus and pumper replacement during which time staff located an option through the City of Santa Cruz to purchase two pumpers;

WHEREAS, this provision allowed the City of Modesto to accept City of Santa Cruz' competitive bid process and purchase the same cab and chassis component with Modesto Fire Department's compartmentation and pump capacity;

WHEREAS, purchasing the pumpers at this time would avoid various cost increases as well as have available local authorized repair facilities for Pierce equipment, interchangeable parts inventory and standard mechanic training on electrical systems;

WHEREAS, purchasing these two fire engines would be consistent with current NFPA standards, City's current fleet of fire apparatus, and the fire apparatus replacement schedule outlined in the Fire Department budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate a Capital Improvement Project in the amount of \$507,554 into the Special Fund for Capital Outlay and estimate offsetting lease payment proceeds revenue.

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 day of August 6, 1996, by Councilmember McClanahan, 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: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-444

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASING OFFICER TO NEGOTIATE THE FINAL PRICE WITH THE GILLIG CORPORATION FOR THREE 40-FOOT BUSES AND NINE 35-FOOT BUSES

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of three 40-foot buses and nine 35-foot buses is hereby waived.

BE IT FURTHER RESOLVED that purchase of three 40-foot and nine 35-foot buses for an estimated price of \$2,990,000.00 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 6th day of August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-445

A RESOLUTION DESIGNATING COUNCILMEMBER TIM FISHER TO SERVE AS VICE MAYOR FOR THE REMAINDER OF THE TERM OF VICE MAYOR GERALD MC KINSEY, 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 Tim Fisher is hereby designated to serve as Vice Mayor for the remainder of the term of Vice Mayor Gerald McKinsey, 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 6th day of August, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

York

MODESTO CITY COUNCIL
RESOLUTION NO. 96-446

A RESOLUTION DIRECTING STAFF TO RESEARCH
ALTERNATIVE FUNDING SOURCES FOR A TRUST FUND
FOR AFFORDABLE HOUSING.

WHEREAS, the Village One Specific Plan calls for
twenty-five (25) percent of all housing units to be affordable to
low and moderate income households, and

WHEREAS, the Plan also calls for an Affordable Housing
Fee of eighty (80) cents per square foot for square footage
beyond the first eight hundred (800) square feet, and

WHEREAS, funds collected from said fee are to be used
to capitalize a Housing Trust Fund to assist low income and
moderate income households in obtaining affordable single-family
housing, and

WHEREAS, City staff recommended to the Council, among
other things, the necessity for an Affordable Housing Study, and

WHEREAS, said matter was considered by the Council on
August 6, 1996, 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 as follows:

SECTION 1. That City staff is hereby directed to
conduct an Affordable Housing Study to research alternative
funding sources for an Affordable Housing Trust Fund and to
report back to the Community Development and Housing Committee
within sixty (60) days.

SECTION 2. That an Affordable Housing Fee on new homes shall not be considered as one of the funding sources for such trust fund.

SECTION 3. That City staff is hereby directed to begin processing for final approval by the Council any required amendments to the General Plan, Specific Plan, Precise Plan, and any approved Development Agreements to eliminate the Affordable Housing Fee that is currently required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	Fisher, 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. 96-447

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY SCHOOL DISTRICT FOR THE CITY OF MODESTO WASTEWATER COLLECTION DIVISION TO OPERATE AND MAINTAIN THE JOHANSEN DRAINAGE BASIN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Modesto City School District for the City of Modesto Wastewater Collection Division to Operate and Maintain the Johansen Drainage Basin 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 August, 1996, by Councilmember McClanahan, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-448

A RESOLUTION APPROVING AN AGREEMENT WITH THE BANK OF STOCKTON FOR THE RENTAL OF THE OFFICE AT 3121 YOSEMITE BOULEVARD, D-1, FOR THE SOUTHEAST AREA POLICE SUBSTATION

BE IT RESOLVED by the Council of the City of Modesto that the agreement with The Bank of Stockton for the rental of the office at 3121 Yosemite Boulevard, D-1, for the southeast 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 6th day of August, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-449

A RESOLUTION APPROVING AN INTER-AGENCY AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA HIGHWAY PATROL, THE STANISLAUS COUNTY DISTRICT ATTORNEY, THE STANISLAUS COUNTY SHERIFF, THE STANISLAUS COUNTY CHIEF PROBATION OFFICER, AND THE CHIEFS OF POLICE OF ALL OTHER CITIES IN STANISLAUS COUNTY TO FORM THE STANISLAUS COUNTY AUTO THEFT TASK FORCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the California Highway Patrol, the Stanislaus County District Attorney, the Stanislaus County Sheriff, the Stanislaus County Chief Probation Officer, and the Chiefs of Police of all other Cities in Stanislaus County to form the Stanislaus County Auto Theft Task Force 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 August, 1996, by Councilmember McClanahan, 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, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-450

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,125 TO THE PLANNING CENTER, CONSULTANT FOR THE SUPPLEMENTAL TRAFFIC ANALYSIS FOR THE PELANDALE/SNYDER SPECIFIC PLAN

WHEREAS, on March 21, 1995, the City of Modesto approved an agreement with The Planning Center to prepare an Environmental Impact Report for the Pelandale/Snyder Specific Plan; and

WHEREAS, a reduced contract price for the Pelandale/Snyder Environmental Impact Report was negotiated based on the fact that the same traffic sub-consultant was working on both this project and the Modesto Urban Area General Plan; and

WHEREAS, work on the General Plan has not kept pace with the Pelandale-Snyder Environmental Impact Report, necessitating a change order to allow the Pelandale-Snyder project to proceed.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that a payment in the amount of \$2,125 to the Planning Center is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of August, 1996, by Councilmember McClanahan, 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, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-451**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET AND
TRANSFERRING FUNDS FROM THE STRATEGIC PLANNING RESERVE FUND NO. 080-
800-8000-8003 TO EXPENDITURE ACCOUNT NO. 080-140-1434-0235**

WHEREAS, on March 21, 1995, the City Council authorized an agreement with The Planning Center to prepare an Environmental Impact Report (EIR) for the Pelandale/Snyder Specific Plan;

WHEREAS, the contract amount, \$68,715.00, was paid for by the private applicants, and funds were encumbered by the City Finance Department;

WHEREAS, a reduced contract price for the EIR was negotiated due to the fact that the same consultant was working on both the EIR project and the General Plan; and

WHEREAS, the work on the General Plan was not able to keep pace with the EIR project, which required a change order in the amount of \$2,125.00, to allow the Pelandale-Snyder EIR project to proceed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended and funds transferred from Strategic Planning Reserve Fund #080-800-8000-8003 to Expenditure Account #080-140-1434-0235 to pay for this change order.

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 day of August 6, 1996, by Councilmember McClanahan, 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 and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:



Stan Feathers, Budget Officer

**MODESTO CITY COUNCIL
RESOLUTION 96-452**

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ESTIMATE NEW REVENUE AND APPROPRIATE ADDITIONAL FUNDS TO FUND SUNDAY SERVICE ON MODESTO AREA EXPRESS.

WHEREAS, the Stanislaus Area Association of Governments approved the City's Local Transportation Fund claim for street purposes with the understanding that the City would implement Sunday MAX service effective November, 1996.

WHEREAS, because this service was not included in the adopted budget, an amendment to the FY 1996-97 operating budget in the amount of \$121,445 is necessary to provide funding for Sunday service for the remainder of this fiscal year.

WHEREAS, fare revenues are anticipated to cover a minimum of ten percent of the cost of operating MAX on Sundays. Congestion Management and Air Quality (CMAQ) funds are anticipated to cover 88.53% of the first 2-3 year's net cost of operations (net cost is gross cost less fare revenues). The remainder will be provided from the Bus Fund Contingency Reserve.

The following adjustments are necessary:

Transit Fund 651		Increase (Decrease)
Fund/Agy/Org		
Expenditures		
651-480-5612-0110	Salaries	\$18,992
651-480-5612-0160	Benefits	\$6,268
651-480-5612-0210	Utilities	\$636
651-480-5612-0255	Services-City Forces	\$1,194
651-480-5612-0265	Vehicle Replace Contribution	\$2,234
651-480-5612-0330	Fuel, Oil, & Lubricates	\$8,826
651-480-5612-0365	Equipment Maintenance	\$7,969
651-160-1672-0232	Transit Operating Contract	\$75,326
651-800-8000-8003	Contingency Reserve	(\$12,537)
Revenues		
651-510-9510-4504	Fare Revenues	\$12,145
651-510-9510-3504	Federal Share (CMAQ)	96,764

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 day of August 13, 1996, 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

(seal)

ATTEST:


JEAN ADAMS, City Clerk

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer

5

MODESTO CITY COUNCIL
RESOLUTION NO. 96-453

A RESOLUTION ADOPTING SPECIFIC PLAN AMENDMENT 9 TO THE VILLAGE ONE SPECIFIC PLAN, LOCATED IN THE NORTHEAST AREA OF MODESTO IN AN AREA BOUNDED BY OAKDALE ROAD AND LANDS NORTH OF SYLVAN AVENUE, THE SANTA FE RAILROAD, BRIGGSMORE AVENUE, ROSELLE AVENUE, AND FLOYD AVENUE, PERTAINING TO DWELLING SETBACKS AND THREE-CAR GARAGES THROUGHOUT THE VILLAGE ONE 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 October 16, 1990, the City Council by Resolution No. 90-828A adopted the Village One Specific Plan, and

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

WHEREAS, the City Council on June 18, 1991, by Resolution No. 91-405, adopted Specific Plan Amendment No. 1 to the Village One Specific Plan for the purpose of adoption of an amended Affordable Housing Program, and

WHEREAS, the City Council on May 5, 1992, by Resolution No. 92-222, adopted Specific Plan Amendment No. 2 to the Village One Specific Plan for the purpose of improving technical correctness, readability, and comprehension, and

WHEREAS, the City Council on February 1, 1994, by Resolution No. 94-72, adopted Specific Plan Amendment No. 3 to

the Village One Specific Plan for the purpose of rewriting and reorganizing the Plan to be implementation oriented, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-297, certified the Final Supplemental EIR for Village One (SCH #90020181) which provided environmental analysis for the revisions in Specific Plan Amendment No. 4, and

WHEREAS, the City Council on May 24, 1994, by Resolution No. 94-298, adopted Specific Plan Amendment No. 4 to the Village One Specific Plan for the purpose of making four revisions to the Specific Plan including: 1) widening of Floyd Avenue from three to five Lanes, 2) realignment of the Claus/Sylvan intersection, 3) deletion of the non-potable water supply for public landscaping, and 4) integration of Mitigation Monitoring into the Specific Plan, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-372, adopted Specific Plan Amendment No. 5 to the Village One Specific Plan which included revisions to the Residential Design Policies for cul-de-sacs, gated communities, front and rear yard requirements, alleys, garage orientation, and plan processing, and

WHEREAS, the City Council on June 28, 1994, by Resolution No. 94-373, adopted Specific Plan Amendment No. 6 for the purpose of revising the school and park sites within the Specific Plan and redistributing residential units among the Village One Precise Plan Areas, and

WHEREAS, the City Council on October 10, 1995, by

Resolution No. 95-487, adopted Specific Plan Amendment No. 7 to reduce costs and to implement recommendations to increase the marketability of development within the Village One Area, and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-245, adopted amendment 7.1 to the Precise Plan portion of the Village One Specific Plan to delete the multiple-family development designation from the Precise Plan for PPA No. 33, and

WHEREAS, the City Council on May 14, 1996, by Resolution No. 96-246 adopted amendment 7.1 to the Design Standard portion of the Village One Specific Plan pertaining to single-family dwelling setbacks and three-car garages limited to Precise Plan Areas Numbers 8, 32 and 33, and

WHEREAS, the City Council on June 4, 1996, by Resolution No. 96-295 adopted amendment 8 to incorporate changes previously approved in Specific Plan Amendment No. 7 into the Specific Plan Document itself, and

WHEREAS, at the May 14, 1996, meeting, the Council directed staff to prepare an amendment to the Village One Specific Plan to cause the design standards changes to apply to the entire Specific Plan, and

WHEREAS, Specific Plan Amendment No. 9 (SPA 9) was prepared, with the amendments to the residential portions of the Comprehensive Design Policies as Exhibit A and with Exhibit B containing deletion of the special provisions for PPA Nos. 8, 32, and 33 pertaining to dwelling setbacks and three-car garages

which are to be applied to all single-family developments in Village One, and

WHEREAS, a public hearing was held by the Planning Commission of the City of Modesto on July 1, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, after considering public comments, the Planning Commission, by Resolution 96-32, adopted on July 1, 1996, recommended to the City Council approval of an amendment to the design standards of dwelling setbacks and three-car garages of the Village One Specific Plan, as set forth in said Planning Commission Resolution No. 96-32, a copy of which resolution is on file in the office of the City Clerk, and

WHEREAS, said matter was set for a public hearing of the Council of the City of Modesto to be held on August 13, 1996, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, a duly noticed public hearing to consider said recommendations of the Planning Commission was held by the City Council at the date and time above mentioned,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that Specific Plan Amendment 9 to the Village One Specific Plan, located in the northeast area of Modesto in an area bounded by Oakdale Road and lands north of Sylvan Avenue, the Santa Fe Railroad, Briggsmore Avenue, Roselle Avenue, and Floyd Avenue, pertaining to standards for dwelling setbacks and three-car garages throughout the

Village One Specific Plan, is required by public necessity, convenience, and general welfare to reduce costs and increase the marketability of development within the Village One area.

BE IT FURTHER RESOLVED by the City Council as follows:

SECTION 1. That said Specific Plan Amendment 9 to the Village One Specific Plan is consistent with the Modesto Urban Area General Plan.

SECTION 2. That the Council hereby adopts said Specific Plan Amendment No. 9 to the Village One Specific Plan pertaining to standards for dwelling setbacks and three-car garages which are to be applied to all single-family developments throughout the Village One Specific Plan, as set forth in detail in Exhibit "A" and Exhibit "B", attached hereto and incorporated by reference herein, to accomplish the following:

1. For all single-family residences, the minimum front yard house setback shall be increased from 10' to 15' and maximum front yard house setback shall be increased from 28' to 40'.
2. For all single-family residences, the design guidelines allow three-car garages to constitute 60% of the front building elevation, an increase from 50%, subject to four design guidelines.
3. Single-family residences in Precise Plan Areas 8, 32, and 33 of the Village One Specific Plan had the above terms provided by SPA 7.1. SPA 9 shall extend these same terms to the entire Specific Plan.

SECTION 3. That pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15305, Class 5 exemption, "Minor Alterations in Land Use Limitations", the City's Environmental Assessment No. 96-66 was issued to a Notice of

Exemption on Village One Specific Plan Amendment No. 9 based on the following findings:

1. This area has on an average slope of less than 20%.
2. This proposal does not result in any changes in land use or density.
3. This proposal is one of single-family house and garage placement and design only.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1996, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

EXHIBIT A - VILLAGE ONE SPECIFIC PLAN AMENDMENT 9

C) Garage Orientation and Design

The goal in garage placement is to reduce the visual impact of the automobile and to allow the residences to visually dominate the street for these reasons:

- Secure neighborhoods are those where neighbors interact, pursue Neighborhood Watch, and take an active role in observing what is going on in their streets. The more of a residence that is placed at the front yard setback and the less that garages and driveways with parked cars are placed at and within the front yard setback, the more this goal is achieved.
- A pedestrian emphasis, as an alternate mode of transportation as well as a leisure pursuit, is visually enhanced if front yards and residences visually dominate rather than front yards of parked cars, paved driveways, and garage doors.

To meet this goal as well as well as other objectives as noted, the following requirements shall apply to garage orientation and design:

1. There are two options for siting garages:
 - a. The alley option for lots with less than 50 feet of frontage.

The alley-served lots do not have sufficient aprons to park cars, but the street frontage can accommodate parked cars.
 - b. The side drive option for lots with at least a 50-foot frontage. The required features:
 - 1) Garage setback a minimum of 20 feet
 - 2) House setback between ~~10~~ 15 feet and ~~20~~ 40 feet
 - 3) Garage width no more than one-half the width of the house
2. ~~Where three-car garages are used, an individualized entry door should be provided to one of three parking spaces.~~

2. Where three-car garages are used:
 - a. The three-car garage may constitute up to 60% of the front building elevation.
2. The front elevation shall be staggered by varying the setback on the house, a two-car garage door, and one-car garage door.
 - c) Total garage frontage shall not exceed 31 feet.
 - d) The roof shall be articulated to differentiate the two-car garage door from the one-car garage door.
 - e) The developer will be encouraged to pave a set of tracks to the garage with central turf strips for one of the approaches to avoid a 30-foot-wide paved apron.
3. Over a three-car garage sited to the rear of a lot, an additional unit should be encouraged, without adding additional parking spaces, to provide greater flexibility in meeting family or life cycle needs, or to make housing more affordable by giving homeowners additional income from a rental unit.
4. Trash storage areas should be enclosed or be located behind a fence.
5. No two adjacent single-family lots should utilize the same footprint at the front yard setback, for either the garage or the living area of the house.

EXHIBIT B - VILLAGE ONE SPECIFIC PLAN AMENDMENT 9

Section III, Precise Plan Areas (PPA) 8, 22, and 23

<u>PPA</u>	<u>Change to Special Considerations</u>
8	Subsection "d" deleted
22	Subsection "d" deleted
23	Subsection "c" deleted

These provisions to be stricken were added by the City Council on 5/14/96 as Specific Plan Amendment 7.1. Now that these provisions apply to all single-family development as noted under the General Provisions, separate citation for PPA's 8, 22, and 23 is no longer relevant.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-454

A RESOLUTION APPROVING SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING THE REPLACEMENT AND/OR REPAIRING OF CURBS, DRIVE APRONS, SIDEWALKS AND ASPHALT

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

SECTION 1. The specifications for furnishing the replacement and/or repairing of curbs, drive aprons, sidewalks and asphalt, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 26, 1996, at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-455

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION COMPANY FOR THE CO-COMPOST SITE DEVELOPMENT PROJECT

WHEREAS, the bids received for the co-compost site development project were opened at 11:10 a.m. on July 23, 1996, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Teichert Construction Company in the amount of \$798,205.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Teichert Construction 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 13th day of August, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-456

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE JENNIE STREET AND FAIRVIEW AVENUE WATER AND SEWER IMPROVEMENTS

WHEREAS, the bids received for the Jennie Street and Fairview Avenue water and sewer improvements were opened at 11:00 a.m., on July 30, 1996, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Rolfe Construction in the amount of \$148,894.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of 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 13th day of August, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-457

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR ANNUAL SEWER REHABILITATION PROJECT FOR 1995-1996

WHEREAS, the bids received for the annual sewer rehabilitation project for 1995-1996 were opened at 11:10 a.m., on July 30, 1996, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Rolfe Construction in the amount of \$318,825.50, be accepted as the lowest responsible bid.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-458

A RESOLUTION ACCEPTING THE BID OF ROLFE CONSTRUCTION FOR THE L STREET SEWER RECONSTRUCTION PROJECT (SEWER AND STORM DRAIN) TO ROLFE CONSTRUCTION

WHEREAS, the bids received for the annual sewer rehabilitation project for 1995-1996 were opened at 11:00 a.m., on July 23, 1996, and later tabulated by the Director of Public Works and Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works and Transportation has recommended that the bid of Rolfe Construction in the amount of \$220,330.00, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of 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 13th day of August, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

500

**MODESTO CITY COUNCIL
RESOLUTION 96-459**

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE FUNDING FOR A NEW CAPITAL IMPROVEMENT PROJECT, "L STREET STORM DRAIN"; AND TRANSFER FUNDS FROM ONE EXISTING PROJECT TO ANOTHER.

WHEREAS, the existing sanitary sewer pipeline that serves the Centre Plaza is flat and has frequent stoppages. This project will replace that pipeline. It was noted that storm water enters the sanitary pipe and causes odors at the curb drain inlets. A storm drain was not a part of the original CIP project. However, since "economy of scale" would be provided by having an onsite contractor, the storm drain work was included with the "L" Street Sanitary Sewer project. The separation of a storm and sanitary sewer will eliminate odor problems and additional treatment at the Water Quality Control Plant.

WHEREAS, a new project needs to be established in the Storm Drain Fund. Funding will be provided by the Storm Drain Fund Contingency Reserve. In the memo to Council, the administration and contingencies was not included in the breakdown of funding sources, but was included in the total estimated cost; therefore, it is necessary to increase the transfer from the reserve by \$8,223 (13%).

WHEREAS, a transfer from an existing project, Annual Sewer Rehabilitation to another existing project, Rebuild L Street Sewer (Plaza), to fully fund the project. In the memo to Council, the administration and contingencies was not included in the breakdown of funding sources, but was included in the total estimated cost; therefore, it is necessary to increase the transfer from the annual sewer rehabilitation project by \$20,420. (13%).

WHEREAS, the following adjustments are necessary:

Storm Drain Fund (628)

Fund/Agy/Org Expenditures	Increase (Decrease)
628-800-8000-8003 Storm Drain Contingency Reserve	(\$71,473)
628-480-H045-6010 L Street Storm Drain	\$8,223
628-480-H045-6040 L Street Storm Drain	\$63,250

Sewer Fund (621)

Fund/Agy/Org Expenditures	Increase (Decrease)
621-480-H016-6040 Annual Sewer Rehabilitation	(\$51,500)
621-480-F732-6040 Rebuild L Street Sewer	\$20,420
628-480-H045-6040 L Street Storm Drain	\$31,080

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 13th day of August, 1996, 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:	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 FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-460

A RESOLUTION REJECTING BIDS RECEIVED FOR THE PURCHASE OF FLAP GATE CHECK VALVES

WHEREAS, Resolution No. 96-275, adopted by the Council of the City of Modesto on May 21, 1996, authorized the call for bids for the purchase of one flap gate check valve; and

WHEREAS, the bids received for the purchase of one flap gate check valve were opened at 11:00 a.m. on June 19, 1996, and staff recommends rejecting the bids and authorizing a new call for bids.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bids received for the purchase of one flap gate check valve are hereby rejected.

BE IT FURTHER RESOLVED that a new call for bids for the purchase of flap gate check valves to be opened September 18, 1996, at 11:00 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-461

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF SECURITY SERVICES FROM MID-VALLEY INVESTIGATION AND SECURITY COMPANY FOR ONE YEAR FOR A TOTAL COST OF \$55,218

WHEREAS, on February 2, 1995, the Public Works and Transportation Department Wastewater Treatment Division formed a Plant Security Employee Involvement Team to research and resolve some of the major security issues at the Wastewater Treatment Plant; and

WHEREAS, it was the recommendation of the Plant Security Employee Involvement Team to improvement plant security by providing security service to patrol and protect facility grounds, buildings and vehicles from unauthorized entry; and

WHEREAS, the Purchasing Division of the Finance Department solicited informal requests for quotations for security services and recommends the purchase of security services from Mid-Valley Security Company for one year for a total cost of \$55,218.96. be approved.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of security services is hereby waived.

BE IT FURTHER RESOLVED that purchase of security services from Mid-Valley Investigation & Security Company for one year for a total cost of \$55,218.6 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-462

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 140,000 POUNDS OF RECYCLED GRANULAR ACTIVATED CARBON (GAC) FROM NORTHWESTERN CARBON THROUGH THE CITY OF FRESNO CONTRACT FOR A TOTAL COST \$89,516

WHEREAS, the City of Fresno has recently entered into a contract with Northwestern Carbon to provide recycled granular activated carbon (GAC); and

WHEREAS, Northwestern Carbon is the only vendor in the western United States to have installed and operating a high temperature incinerator meeting the State health standards; and

WHEREAS, the recycled carbon is available for \$.6394 per pound without sales tax through a contract with the City of Fresno.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of recycled granular activated carbon are hereby waived.

BE IT FURTHER RESOLVED that purchase of recycled granular activated carbon from Northwestern Carbon through the City of Fresno contract for \$89,516.90 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

13

MODESTO CITY COUNCIL
RESOLUTION NO. 96-463

A RESOLUTION ADOPTING AMENDMENTS TO THE
VILLAGE ONE FINANCE PLAN.

WHEREAS, by Resolution No. 96-346, adopted on June 18, 1996, the Council approved the Village One Finance Plan, which was designed to assign public facility costs to development in an equitable manner, and

WHEREAS, City staff has recommended to the Council the adoption of amendments to the Village One Finance Plan to consolidate several districts in the existing Finance Plan into one City Mello-Roos Capital Facilities District, a copy of said proposed plan dated July 31, 1996, is on file in the Office of the City Clerk, and contains an addendum which consists of replacement pages, and

WHEREAS, said proposed plan with addendum were considered at a duly noticed public meeting of the City Council which was held at 4:00 p.m., on Tuesday, August 13, 1996, 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 it hereby approves amendments to the Village One Finance Plan, dated July 31, 1996, with addendum which consists of replacement pages, to consolidate several districts in the existing Finance Plan into one City Mello-Roos Capital Facilities District. A copy of said plan dated July 31, 1996, 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 13th day of August, 1996, 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:	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 FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-464

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF MODESTO TO EXECUTE A UTILITY CROSSING LICENSE WITH MODESTO AND EMPIRE TRACTION COMPANY (M&ET) TO ALLOW A STORM DRAIN LINE TO CROSS THEIR RIGHT OF WAY ON YOSEMITE BOULEVARD

BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto is hereby authorized to execute a Utility Crossing License with Modesto and Empire Traction Company (M&ET) to allow a storm drain line to cross their right of way on Yosemite Boulevard.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-465

A RESOLUTION AUTHORIZING PRE-TAX PAYROLL
DEDUCTION PLAN FOR PERS SERVICE CREDIT
PURCHASES

WHEREAS, the Board of Administration of the California Public Employees' Retirement System (CalPERS) at the April, 1996, meeting approved a pre-tax payroll deduction plan for service credit purchases under Internal Revenue Code (IRC) section 414(h)(2); and

WHEREAS, the City of Modesto has the authority to implement the provisions of IRC section 414(h)(2) and has determined that even though implementation is not required by law, the tax benefit offered by this section should be provided to those employees who are members of CalPERS; and

WHEREAS, the City of Modesto elects to participate in the pre-tax payroll deduction plan for all employees in the Miscellaneous, Police Safety, and Fire Safety CalPERS coverage group(s).

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

1. That the City of Modesto will implement the provisions of IRC section 414(h)(2) by making employee contributions for service credit purchases pursuant to the California State Government Code on behalf of its employees who are members of CalPERS and who have made a binding irrevocable election to participate in the pre-tax payroll deduction plan. "Employee contributions" shall mean those contributions reported to CalPERS which are deducted from the salary of employees and are credited to individual employee accounts

for service credit purchases thereby resulting in tax deferral of employee contributions.

2. That the contributions made by the City of Modesto to CalPERS, although designated as employee contributions, are being paid by the City of Modesto in lieu of contributions by the employees who are members of CalPERS.
3. That the employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the City of Modesto to CalPERS.
4. That the City of Modesto shall pay to CalPERS the contributions designated as employee contributions from the same source of funds as used in paying salary, thereby resulting in tax deferral of employee contributions.
5. That the effective date for commencement of the pre-tax payroll deduction plan is the date the completed resolution is received and approved in CalPERS.
6. That the governing body of the City of Modesto shall participate in and adhere to requirements and restrictions of the pre-tax payroll deduction plan by reporting pre-tax payroll deductions when authorized by CalPERS for those employees of the above stated Coverage Group(s) who have elected to participate in this plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1996, 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: 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 FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-466

A RESOLUTION ESTABLISHING PROCEDURES FOR EMPLOYEES PROMOTED AND/OR HIRED INTO LIMITED TERM POSITIONS FOR THE BIOSOLIDS CO-COMPOST PROGRAM, AND SUSPENDING PERSONNEL RULE 11.1 (LAYOFF) IN CERTAIN CIRCUMSTANCES IN RELATION TO SAID PROGRAM.

WHEREAS, in the past, Limited Term positions have generally been entry level positions or very specialized, technical positions, and

WHEREAS, the nature of the Biosolids Co-Compost Program will require positions which may be filled by promotion of current City employee(s), therefore, provisions need to be made to enable the Limited Term City employee to return or "retreat" to the classification he/she held prior to the promotion, including those employees promoted to "backfill" positions on a Limited Term, and

WHEREAS, City staff has met and conferred with the Modesto City Employees' Association (MCEA), which resulted in agreement of certain conditions for those individuals hired or promoted into Limited Term positions as a result of the Biosolids Co-Compost Program, and

WHEREAS, those certain conditions as agreed upon between the City and MCEA are as set forth on Exhibit "A", attached hereto and incorporated herein by reference, and necessitate the suspension of Personnel Rule 11.1, Layoff, adopted by the Council in August of 1982, for those individuals

promoted and/or hired into Limited Term positions for the Biosolids Co-Compost Program, in accordance with the conditions set forth in Exhibit "A",

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

SECTION 1. The Council does hereby establish procedures for employees promoted and/or hired into Limited Term positions for the Biosolids Co-Compost Program as set forth on Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 2. The Council does hereby suspend provisions of Personnel Rule 11.1 pertaining to "Layoff" in certain circumstances to enable Limited Term City employees to return or "retreat" to the classification he/she held prior to the promotion, including those employees promoted to "backfill" positions on a Limited Term for the Biosolids Co-Compost Program. Suspension of said Rule shall be narrowly construed to apply only to the verbal agreement between the City and the MCEA for employees who are promoted or hired into the Limited Term positions for the Biosolids Co-Compost Program, as outlined on Exhibit "A", attached hereto and incorporated herein. A copy of said Personnel Rule 11.1, Layoff, is as set forth on Exhibit "B", 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 13th day of August, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

July 25, 1996

Biosolids Co-Compost Pilot Program
Limited Term Positions
Conditions

The City and MCEA have agreed to the following conditions:

CURRENT EMPLOYEES PROMOTED INTO LIMITED TERM POSITIONS:

- Employee is guaranteed "retreat" rights to his/her former classification (not necessarily same position assignment) at the conclusion of the Limited Term assignment.
- Employee shall not be Y-rated upon "retreat," but placed at the Step employee would likely have achieved if they had stayed in their previous classification.
- Employee shall not have appeal rights to the "retreat" action.
- Employee may be considered for lateral reassignment to a vacant, non-Limited Term position during the Limited Term assignment, at City's discretion.
- Employee will be considered for lateral reassignment to vacant non-Limited Term positions (if any) at conclusion of the Limited Term assignment.

NEW EMPLOYEES HIRED INTO LIMITED TERM POSITIONS:

- "New" employee will be laid-off at the conclusion of the Limited Term assignment, with no bumping rights and no severance package.
- At City's discretion, "new" employee may be considered for lateral reassignment into vacant positions during or at the conclusion of the Limited Term assignment.
- "New" employee shall have no appeal or grievance rights to layoff.

DURATION OF LIMITED TERM ASSIGNMENTS:

- The pilot program is estimated to continue through 6/98 (2 years), but the pilot program may be shorter or longer at City Council discretion--no guarantee to the employees as to the duration of the Limited Term assignment.
- Both new hires and promotees operate under, and are subject to, all standard performance and employment requirements of non-Limited Term employees.
- If, at the conclusion of pilot program, the City Council establishes an "on-going" City program, all incumbents who are retained in the program at the City's discretion are relieved of their Limited Term status and acquire regular status in those classifications. (They lose any "retreat" rights they may have had under the Limited Term program, and are governed by the standard layoff policy for City employees from that point forward - Personnel Rule 11.1.)

LAYOFFS DURING THE COURSE OF LIMITED TERM ASSIGNMENTS:

- If there are layoffs (for any reason) within the classifications represented by Limited Term positions, the Limited Term incumbents have seniority standing behind all non-Limited Term incumbents, regardless of whether the Limited Term employees are new hires or promotees (Limited Term promotees, however, would then have "retreat" rights.)

SERVICE CREDITS

- Service in Limited Term assignments is considered regular-service for purposes of "service credits."

City of Modesto

PERSONNEL RULES

RULE 11 - SEPARATION FROM THE SERVICE

11.1 Layoff

- (a) Reduction in Force - Order of Layoff: When it becomes necessary through lack of work, lack of funds, or for other reasons to reduce the number of employees employed by the City, the Director of Personnel shall be notified and shall prepare a lay-off list by classifications within a department. Within each job classification in each department, employees shall be laid off in the following order of status: (1) temporary, (2) provisional, (3) probationary, (4) regular. The order of layoff shall then be based on the needs of the City, with particular regard for length of service with the City and performance evaluation reports.
- (b) Reduction in Force - Demotion: Whenever there is a reduction in work force, the appointing authority shall first demote to a vacancy, if any, in the next lower class for which the employee who is scheduled for layoff meets the minimum employment standards. Employees with the least continuous City service and lowest performance evaluation ratings shall be demoted first. All persons so demoted shall have their names placed on the classification reinstatement eligible list.
- (c) Reduction in Force - Bumping: Whenever there is a reduction in work force and there are no vacant positions in a lower class available, the appointing authority shall allow bumping from a higher to a lower classification within a department. An employee may bump into the next lowest class for which he/she meets the minimum employment standards.
- (d) Reduction in Force - Layoff: Whenever there is a reduction in the work force and there are no vacant positions available nor any bumping possibilities, the appointing authority shall lay off employees within a department and classification. Employees with the least continuous City service and lowest performance evaluation ratings shall be laid off first. All persons so laid off shall have their names placed on the classification reinstatement eligible list.
- (e) Determining Length of Seniority: In determining continuous City service seniority, all uninterrupted employment, including periods of authorized leaves of absence which require a retirement contribution, and including all periods of time served as a full-time CETA (Comprehensive Employment and Training Act) Public Service Employee with the City of Modesto, shall be counted as continuous City service seniority.

Exhibit "B"

- (f) Determining Performance Evaluations: In determining which employees have the lowest performance evaluation ratings, employees who have ratings of Unsatisfactory shall be ranked lowest, employees who have ratings of Improvement Needed shall rank second, and employees who have Satisfactory or higher ratings shall be ranked highest. ** Employees' latest two performance evaluation reports shall be used in making such determinations.
- (g) Notice: Any employee scheduled for demotion or layoff shall be given fourteen (14) calendar days' notice in writing by the appointing authority. Said notice shall state the effective date and time of layoff.
- (h) Reinstatement of Employees Demoted as a Result of Reduction in Force: Employees who are demoted as a result of reduction in work force shall have their names placed on a classification reinstatement list by classification series, in the order of continuous City service seniority. Vacant positions within a classification series shall first be offered to employees on the classification reinstatement list who meet the minimum employment standards for the vacant position.
- (i) Duration of Reinstatement Lists: The eligibility of individuals on the reinstatement lists shall extend for a period of two years from the date of demotion or layoff. Eligibles not responding to written notification of an opening within fourteen (14) calendar days shall have their names removed from the reinstatement list.
- (j) Restoration of Benefits Upon Reinstatement Following a Reduction in Force: Upon reinstatement following a reduction in work force, an individual will be entitled to the following benefits:
- (1) Prior sick leave accruals (unless he/she elected cash payment at time of layoff in accordance with Personnel Rule 13.4).
 - (2) Seniority at time of layoff for purposes of determining merit increases, vacation accruals and future reduction in work force.
 - (3) The salary paid to an employee who is reinstated shall be as nearly as possible equivalent to that which the employee was receiving immediately prior to layoff. If the employee chooses to be reinstated in a classification which has a salary range lower than the classification from which he/she was laid off, the salary placement will be made at a point either equivalent to the salary immediately prior to layoff, or, if the maximum of the salary range of the position to which the employee is to be reinstated is less than the employee's salary immediately prior to layoff, then the employee will receive the maximum of the salary range.

** For miscellaneous employees: ratings of Under Standard shall be ranked lowest, employees who have ratings of Standard shall be ranked second, and employees who have ratings of Exceeds Standard shall be ranked highest.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-467

A RESOLUTION APPROVING AN AMENDMENT AND ASSIGNMENT OF LEASE AGREEMENT WITH THE STATE OF CALIFORNIA LANDS COMMISSION AND DEL ESTE WATER FOR THE RIGHT TO CROSS THE CARPENTER ROAD BRIDGE WITH A WATER TRANSMISSION LINE

BE IT RESOLVED by the Council of the City of Modesto that the amendment and assignment of the agreement with the State of California Lands Commission and Del Este Water for the right to cross the Carpenter Road bridge with a water transmission line be, and it is hereby resolved.

BE IT FURTHER RESOLVED that the execution of said agreement amendment and assignment by the designated 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 August, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan,
Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-468

A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION FOR THE OPERATION OF THE REIL SYSTEM (RUNWAY
10L)

BE IT RESOLVED by the Council of the City of Modesto that the lease agreement with the United States of America Federal Aviation Administration for the operation of the REIL System (Runway 10L) at the Modesto City County Airport be, and it is hereby resolved.

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 August, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-469

A RESOLUTION APPROVING A LEASE AGREEMENT WITH THE UNITED STATES OF AMERICA FEDERAL AVIATION ADMINISTRATION FOR THE OPERATION OF THE VASI SYSTEM (VASI-4 RUNWAY 10L)

BE IT RESOLVED by the Council of the City of Modesto that the lease agreement with the United States of America Federal Aviation Administration for the operation of the VASI System (VASI- 4 Runway 10L) at the Modesto City County Airport be, and it is hereby resolved.

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 August, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-470

A RESOLUTION APPROVING AN AGREEMENT WITH SUSAN FISCOE TO PROVIDE GOLF PROFESSIONAL SERVICES

BE IT RESOLVED by the Council of the City of Modesto that the agreement with the Susan Fiscoe to provide golf professional services at the Municipal Golf Course, Dryden Park Driving Range, Dryden Park Golf Course, Creekside Driving Range and Creekside Golf Course be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-471

A RESOLUTION APPROVING AN AGREEMENT WITH BROTHERS TWO, INC. FOR FOOD AND BEVERAGE CONCESSION AT CREEKSIDE GOLF COURSE

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Brothers Two, Inc. to provide for food and beverage concession at Creekside Golf Course be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-472

A RESOLUTION ACCEPTING THE BID OF TEICHERT CONSTRUCTION FOR PROJECT TITLED
"TAXIWAY D (PHASE II)"

WHEREAS, the bids received for Taxiway D (Phase II) were opened at 2:00 p.m. on June 25, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$51,769.00 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 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 August, 1996, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-473

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$46,623.00 TO FULLY FUND THE AIRPORT TAXIWAY D (PHASE II) PROJECT

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

FROM: Taxiway C & E Pavement Overlay, 632 480 D342 6040

TO: Airport Taxiway D (Phase II), 632 480 D339 6040

Project originally underbudgeted for work necessary to complete the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1996, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-474

A RESOLUTION ACCEPTING THE BID OF ROSS F. CARROLL, INC. FOR THE PROJECT TITLED "SERVICE YARD BUS HOIST SLAB"

WHEREAS, the bids received for Service Yard Bus Hoist Slab were opened at 11:10 a.m. on July 16, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$24,761.20 from Ross F. Carroll 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 Ross F. Carroll Inc. be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1996, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-475

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$5,314.00 TO FULLY FUND
THE PURCHASE AND INSTALLATION OF A NEW MOBILE BUS HOIST

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

FROM: Fleet Services/Bus Yard - 651 480 5612 0365

TO: Purchase New Mobile Bus Hoist - 651 160 D332 6040

Transfer required to fully fund the project. Concrete slab-on-grade
area was increased from what was originally budgeted.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 20th day of August, 1996, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-476

A RESOLUTION ACCEPTING THE BID OF BOWDEN ELECTRIC INC. FOR THE PROJECT TITLED "ROOSEVELT TENNIS COURT LIGHTING"

WHEREAS, the bids received for Roosevelt Tennis Court Lighting were opened at 11:05 on July 30, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$103,686.00 from Bowden Electric 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 Bowden Electric 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 August, 1996, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-477

A RESOLUTION ACCEPTING THE BID OF RICHARD A. HEAPS, ELECTRICAL CONTRACTOR INC.
FOR THE PROJECT TITLED "STREET LIGHTS YOSEMITE - D STREET TO LAS FLORES"

WHEREAS, the bids received for Street Lights Yosemite - D Street to Las Flores were opened at 11:00 a.m. on July 9, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$78,792.00 from Richard A. Heaps, Electrical 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 Richard A. Heaps, Electrical 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 20th day of August, 1996, 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:	Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Yield

**MODESTO CITY COUNCIL
RESOLUTION 96-478**

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO TRANSFER FUNDS FROM ONE EXISTING CAPITAL IMPROVEMENT PROJECT TO ANOTHER.

WHEREAS, it is necessary to transfer funds from two existing projects into an existing project entitled "Street Lights Yosemite Boulevard - D Street to Las Flores". This project will provide 24 street lights on Yosemite Boulevard between D Street and Las Flores which will improve safety and traffic flow of both pedestrians and motorists.

WHEREAS, Federal funding will reimburse \$65,000 of the total \$95,500 expense on completion. A transfer of \$6,500 will be made from the McHenry/Orangeburg project, which is now complete and has savings; a \$26,000 transfer will be made from the Tully/Coldwell Traffic Signal project, this project has been scaled down from the original budgeted amount.

WHEREAS, the following adjustments are necessary:

Gas Tax Fund (070)

Fund/Agy/Org Expenditures		Increase (Decrease)
070-160-D292	Street Lights Yosemite Blvd-D Street to Las Flores	\$63,000
070-160-D407	McHenry/Orangeburg T/S Modifications	(\$6,500)
070-160-E448	Tully/Coldwell Traffic Signal Project	(\$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.

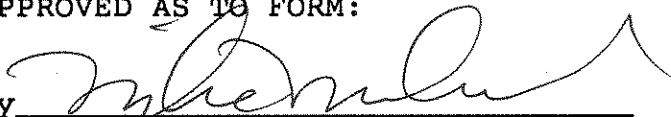
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, 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. 96-479

A RESOLUTION REJECTING BIDS FOR FURNISHING BUSINESS LICENSING SOFTWARE FOR THE FINANCE DEPARTMENT, CUSTOMER SERVICES DIVISION, OPENED IN THE OFFICE OF THE CITY CLERK ON JULY 25, 1996, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, bids received for Furnishing Business Licensing Software for the Finance Department, Customer Services Division, were opened on July 25, 1996; and

WHEREAS, during the bid evaluation process, staff saw that all bids were technically noncompliant to specifications and resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for Furnishing Business Licensing Software for the Finance Department, Customer Services Division, opened in the office of the City Clerk on July 25, 1996, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Furnishing Business Licensing Software for the Finance Department, Customer Services Division, will be held at 11:00 a.m. on September 13, 1996, 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 August, 1996, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-480

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CHAMBER OF COMMERCE CONVENTION AND VISITORS BUREAU FOR FISCAL YEAR 1996-97

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement to provide financing to the Convention and Visitors Bureau between the City of Modesto and Modesto Chamber of Commerce based on 13.33% of Transient Occupancy Tax for fiscal year 1996-97 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 August, 1996, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-481**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO
APPROPRIATE AN ADDITIONAL \$6,761 TO THE CONVENTION AND VISITORS BUREAU**

WHEREAS, the City has agreements with the Modesto Chamber of Commerce to provide financing to the Convention and Visitors Bureau for a number of years in support of the Bureau's promotion and marketing of Modesto. The agreements also provide for a final funding adjustment based on the actual TOT revenue for the fiscal year; and

WHEREAS, the TOT revenue for Fiscal Year 1995-96 was \$50,611 greater than projected, so the City's share is an additional \$6,761.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as follows:

Transfer from Account #010-800-8000-8003	\$(6,761)
Transfer to Account #010-140-1421-1006	\$ 6,761

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 day of August 20, 1996, 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 votes:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-482

A RESOLUTION ADOPTING THE TRANSIT SECTION'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL OF 10% PARTICIPATION IN FEDERALLY-FUNDED TRANSIT CONTRACT AWARDS FOR FISCAL YEAR 1996-97.

WHEREAS, the Transit Section's Disadvantaged Business Enterprise (DBE) Program adopted by Council on May 2, 1988, prescribes the establishment of an annual goal for DBE participation in federally-funded transit contract awards, and

WHEREAS, the Federal Mass Transportation Administration (FTA) requires each grantee to submit its DBE goal on an annual basis,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto does hereby adopt a Disadvantaged Business Enterprise (DBE) goal of 10% for participation in federally-funded transit contract awards for Fiscal Year 1996-97.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1996, 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: Cogdill, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-483

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND YOSEMITE COMMUNITY COLLEGE DISTRICT (YCCD) FOR THE PURCHASE AND INSTALLATION OF A BUS SHELTER ON COLLEGE AVENUE AT THE MODESTO JUNIOR COLLEGE EAST CAMPUS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Yosemite Junior College District for the Purchase and Installation of a Bus Shelter on College Avenue at the Modesto Junior College East Campus 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 August, 1996, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-484

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND THE KING-KENNEDY CENTER BOARD OF DIRECTORS TO CONTINUE AS AN ADVISORY BOARD TO THE CITY RELATIVE TO THE OPERATION AND PROGRAMS AT THE KING-KENNEDY MEMORIAL CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and the King-Kennedy Center Board of Directors to continue as an advisory board to the City relative to the operation and programs at the King-Kennedy Memorial Center be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1996, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-485

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF MODESTO AND MID-VALLEY ENGINEERING FOR BRIGGSMORE/COFFEE IMPROVEMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement for engineering services between the City of Modesto and Mid-Valley Engineering for Briggsmore/Coffee Improvements be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1996, 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: Cogdill, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Yolk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-486

A RESOLUTION CERTIFYING REVIEW OF AN INITIAL STUDY, ADOPTING A MITIGATED NEGATIVE DECLARATION, ADOPTING A MITIGATION MONITORING PROGRAM, DIRECTING THE COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION AND DIRECTING STAFF TO PROCEED TO THE CALIFORNIA TRANSPORTATION COMMISSION FOR APPROVAL AND FUNDING FOR THE MODESTO AMTRAK STATION PROJECT.

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 No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, an Initial Study, based on Appendix I of the California Environmental Quality Act (CEQA) Guidelines, provided review of an "Anticipated Subsequent Project" to the City of Modesto's General Plan Master EIR (SCH No. 92052017), and

WHEREAS, the project, construction of an Amtrak Station, is located within the Business Park area of the Village One Specific Plan, at the Santa Fe Railroad track, north of Parker Road, and east of Claus Road, and is listed in the City of Modesto's 1995-1996 Capital Improvement Program, and thus meets the Master EIR's listing of Anticipated Subsequent projects, and

WHEREAS, the Initial Study reviewed the project pursuant to CEQA Section 21157 et. seq; specifically, CEQA Section 21157.5, which allows the preparation of a Mitigated Negative Declaration for a proposed subsequent project, subject to certain conditions, and

WHEREAS, the Initial Study analyzed one additional significant effect that was not analyzed in the Master EIR, an impact to Vernal Pool Fair Shrimp and Vernal Pool Tadpole Shrimp, which are listed species under the Endangered Species Act, and

WHEREAS, Mitigation to reduce impacts to less than significant was arrived at by City staff and the environmental consultant Environmental Science Associates, and

WHEREAS, City staff and the environmental consultant met with U.S. Fish and Wildlife Service biologist and agreed that if the City were to purchase "vernal pool credits" at a 2:1 ratio, the impacts would be fully mitigated, and

WHEREAS, the Initial Study and proposed Mitigated Negative Declaration were released for Public Review from June 14, 1996, through July 14, 1996, and

WHEREAS, during the Public Review period, the City received seven letters of comment, providing comments on the Initial Study and proposed Mitigated Negative Declaration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study, the proposed Mitigated Negative Declaration together with the comments received during the Public Review process, and based on the Initial Study and the comments received, the Council makes the following findings:

1. That an Initial Study has identified potentially new or additional significant effects on the environment that

were not analyzed in the Master Environmental Impact Report.

2. That feasible mitigation measures were incorporated to revise the proposed subsequent project, before the Mitigated Negative Declaration and Initial Study were released for public review, in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur.

3. That there is no substantial evidence in light of the whole record before the City that the project, as revised, may have a significant effect on the environment.

4. The Mitigated Negative Declaration reflects the independent judgment of the City as lead agency.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that:

(1) The Mitigated Negative Declaration is hereby approved and adopted.

(2) The Mitigation Monitoring Program set forth in Exhibit "A" is hereby approved and adopted by incorporating the Mitigation Measures into the project plan.

(3) The documents on other material which constitute the record of proceedings upon which the City's decision is based shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 11th Street, Modesto, California 95354.

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 Determination as required by California law.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that City staff is hereby directed to proceed to the California Transportation Commission for approval and funding for the Modesto Amtrak Station project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of August, 1996, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Fisher, Friedman,
Serpa, Mayor Lang
NOES: Councilmembers: McClanahan
ABSENT: Councilmembers: Dobbs

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT

Mitigation Monitoring Program

Exhibit A

MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CITY OF MODESTO AMTRAK STATION (Pursuant to Mitigated Negative Declaration SCH 96062057)

1.0 Introduction

This mitigation and monitoring program has been prepared by the City of Modesto for the Modesto Amtrak Station to comply with Public Resources Code Section 21081.6. Section 21081.6 requires public agencies to adopt a mitigation reporting or monitoring program when adopting a mitigated Negative Declaration. Monitoring programs are designed to ensure that all mitigation measures described in the Negative Declaration are carried out.

2.0 Scope

The program described below applies to all mitigation measures described in the Initial Study/proposed Negative Declaration, dated June 14, 1996, prepared for the project. The key components of project mitigation were determined at a meeting on May 29, 1996 with U.S. Fish and Wildlife Service (USFWS) biologists Laurie Rinek and Dr. William Beckon, City Engineer Rich Ulm and the City's contract biologist, Environmental Science Associates (ESA).

3.0 Offsite Mitigation

Mitigation Measure. There will be an area of habitat "taking", as defined by the USFWS, for vernal pool fairy shrimp (*Branchinecta lynchi*) and vernal pool tadpole shrimp (*Lepidurus packardii*) comprising the length of the platform (800 feet), plus 100 feet at either end as a zone where heavy equipment may need to transit or operate (habitat indirectly affected). The vernal habitat area averages 25 feet wide throughout, so the taking is therefore 1,000' X 25' = 25,000 sq. ft., or .57 acres, in extent. Since the area is less than an acre, project impacts are fully mitigatable under the terms of the USFWS' "Programmatic Formal Endangered Species Act Consultation" for small vernal pools (Feb. 28, 1996). Since the site is only marginally vernal pool habitat, the Service biologists agreed (on June 27, 1996) to reduce the compensation ratio to 2:1. Mitigation will be applied the .57 acres, and at a rate of \$70,000 per acre paid into an approved mitigation bank. This calculates as follows: .57 ac. x 2 x \$70,000 = \$79,800. The project impacts would be considered fully mitigated (with the small exception noted below in 3.1) with a payment from the City to The Nature Conservancy, labeled "Vernal Pool Mitigation Fund Account - administered for the Department of Fish and Game."

Monitoring Action, Responsibility and Schedule. The City will provide proof of vernal pool mitigation payment before starting construction.

3.1 Construction Mitigation

Mitigation Measure. To further reduce potential impacts, the ends of the 1000' section of ditch will be fenced through the 25' wetland width, and clearly marked with signs indicating that construction operations must remain within the designated area.

Monitoring Action, Responsibility and Schedule. The City will inspect the fence daily during construction.

96-487

96-488

#s were not used

MODESTO CITY COUNCIL
RESOLUTION NO. 96-489

A RESOLUTION GRANTING THE APPEAL OF STONE-WEBB, ET AL., TO A PLANNING COMMISSION DECISION WHICH DENIED AN APPLICATION TO REZONE FROM HIGHWAY COMMERCIAL ZONE, C-3, TO PLANNED DEVELOPMENT ZONE, P-D, TO ALLOW A SPECIAL SIGN PACKAGE, INCLUDING FREESTANDING SIGNS FOR THE FOOD-FOR-LESS SHOPPING CENTER ON THE EAST SIDE OF MC HENRY AVENUE, SOUTH OF CORALWOOD DRIVE. [P-D(515)]:

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Stone-Webb, on June 14, 1996, to reclassify from Highway Commercial Zone, C-3, to Planned Development Zone, P-D, to allow a free-standing sign package and to include the removal of the current directional signs at the Food-4-Less Shopping Center located at 3848 McHenry Avenue, described as follows:

C-3 to P-D(515)

All that certain real property situate in a portion of the northwest quarter of Section 9, 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 Parcels A and B according to the official parcel map filed in the office of the Recorder of Stanislaus County, California, on February 29, 1984, in Volume 35 of Parcel Maps, Page 03.

Including also the following described property: Commencing at the most Southern Southwest corner of aforementioned Parcel B, said corner also lying on the north line of a 46.00 foot wide driveway known as Meily Way and being a portion of adjacent Parcel 1 according to the official parcel map filed in

the office of the Recorder of Stanislaus County, California, on April 1, 1985 in Volume 38 of Parcel Maps, Page 01, thence along a west line of said Parcel B, North 0° 42' 00" East 4.16 feet to the point of beginning, thence leaving the west line of Parcel B and in a Westerly direction along said north line of Meily Way and said Parcel 1, on a curve concave to the south having a length of 46.48 feet, a central angle of 15° 51' 03" and a radius of 168.00 feet, thence continuing along the north line of Parcel 1 and Meily Way North 89° 18' 20" west 70.62 feet to the northwest corner of said Parcel 1 and the East line of 110.00 foot wide McHenry Avenue, thence along said East line North 0° 53' 13" West 124.32 feet to the most western Southwest corner of said Parcel B, thence North 89° 07' 00" East 120.00 feet, thence South 00° 42' 00" west 134.10 feet to the point of beginning.

Including also all of the East 55.00 feet of 110.00 foot wide McHenry Avenue located immediately adjacent to the above described properties.

and

WHEREAS, said application was set for a public hearing before the Planning Commission on August 5, 1996, 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, thereafter, the Planning Commission adopted Resolution No. 96-38 denying the request of the applicant for the reason set forth in said Planning Commission Resolution, and

WHEREAS, by a letter dated August 6, 1996, and received by the City Clerk's Office on August 7, 1996, from Ronald V. "Bud" Stone, an appeal was filed with the City Council to the

decision of the Planning Commission, which denied the request referred to above for an amendment to the Zoning Map for the purpose of obtaining a special sign package, and

WHEREAS, said appeal was set for a public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 4:00 p.m., on August 27, 1996, at which time evidence both oral and documentary was taken and introduced, and

WHEREAS, after said duly noticed public hearing, the Council of the City of Modesto found and determined that the request for an amendment to Section 9-3-9 of the Zoning Map filed by Stone-Webb, on June 14, 1996, to reclassify from Highway Commercial Zone, C-3, to Planned Development Zone, P-D, to allow a free-standing sign package and to include the removal of the current directional signs at the Food-4-Less Shopping Center located at 3848 McHenry Avenue, should be granted as consonant with public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D Zone for the shopping center signs encompasses a supermarket-anchored shopping center which sets it apart from other commercial developments along North McHenry Avenue and brings the sign limitations more into line with the typical neighborhood shopping centers throughout the City.
2. The signs for the proposed P-D Zone will provide improved tenant identification and prevent sign clutter along the P-D Zone frontage.

and

WHEREAS, at its meeting held on August 27, 1996, the Council introduced Ordinance No. 2999-C.S., reclassifying the above-described property from Highway Commercial Zone, C-3, to Planned Development Zone, P-D(515),

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

SECTION 1. APPEAL GRANTED. The appeal filed by Ronald V. "Bud" Stone, to the decision of the Planning Commission, which denied the application to amend the Zoning Map to rezone from Highway Commercial Zone, C-3, to Planned Development Zone, P-D, to allow a free-standing sign package and to include the removal of the current directional signs at the Food-4-Less Shopping Center located at 3848 McHenry Avenue, is hereby granted for the reasons set forth above, and the decision of the Planning Commission denying said rezoning is hereby overruled.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(515) is hereby approved, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Food 4 Less Shopping Center" as amended in red, stamped approved by the City Council on August 27, 1996.
2. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

3. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
4. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Planning and Community Development director.
5. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.
6. The loading dock area on the east side of the shopping center may not be used for outside storage of any type of material.
7. No signs shall be permitted above eight feet in height on the east face of the building(s).
8. All signs shall comply with the sign requirements of the C-3 Zone, except two 20-foot-high, 72-square-foot freestanding combined business identification signs shall be permitted, one each on the McHenry Avenue frontage between Perko's Restaurant and Blockbuster Video, and on Coralwood Drive near the northeast corner of Perko's Restaurant. All other free-standing and directional signs except the Perko's sign shall be removed.
9. All conditions of Board of Zoning Adjustment Resolution No. 1130 not in conflict with this action shall remain in full force and effect.

SECTION 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(515):

The commercial shopping center having already developed, installation of the two free-standing shopping center signs and removal of all other free-standing and directional signs shall be accomplished by August 27, 1998.

SECTION 4. CHANGES IN DEVELOPMENT PLAN. Any changes in the above mentioned development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 5. 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 6. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(515), becomes effective.

SECTION 7. ENVIRONMENTAL IMPACT. The subject property is totally developed, the P-D Zone is strictly for the purpose of obtaining signs not otherwise allowed and signs are exempt pursuant to Section 15311 of the CEQA Guidelines.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1996, by Councilmember Cogdill, 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

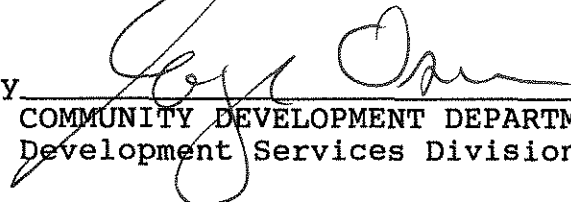
ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

APPROVED AS TO DESCRIPTION:

By 
COMMUNITY DEVELOPMENT DEPARTMENT
Development Services Division

MODESTO CITY COUNCIL
RESOLUTION NO. 96-490

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS TO PROVIDE EMERGENCY DISPATCH SERVICES FOR THREE YEARS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and the County of Stanislaus for provision of emergency dispatch services for three years be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-491

A RESOLUTION AUTHORIZING THE CITY OF MODESTO
TO PARTICIPATE IN THE 1996 CALIFORNIA STATE
FAIR EXHIBIT IN A JOINT EFFORT WITH
STANISLAUS COUNTY.

WHEREAS, the City of Modesto has once again been
invited by Stanislaus County to participate in a joint exhibit at
the 1996 California State Fair, and

WHEREAS, the 1996 California State Fair theme is "Big
Fun", and this year's proposed City-County exhibit will highlight
the diversity of the citizens in Stanislaus County, and

WHEREAS, this endeavor will not only educate fair
attendees of the diverse community in Modesto, but will also
promote the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby
authorizes the City of Modesto to participate in the 1996
California State Fair exhibit in a joint effort with Stanislaus
County which will highlight the diversity of the citizens in
Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-492

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET FOR \$1,000 FROM
GENERAL FUND RESERVE TO AN OPERATING ACCOUNT TO PARTICIPATE IN THE 1996
CALIFORNIA STATE FAIR COUNTIES EXHIBIT, A JOINT EFFORT BETWEEN THE CITY OF
MODESTO AND STANISLAUS COUNTY

WHEREAS, the City of Modesto has been invited by Stanislaus County to participate in a joint exhibit at the 1996 California State Fair exhibit;

WHEREAS, the City's contribution would be in the amount of \$1,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended by transferring \$1,000 from General Fund Reserve Account #010-800-8000-8003 to Professional Services Account #010-020-0201-0235 for the City's contribution to the State Fair exhibit.

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 day of August 27, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and 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. 96-493

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ENVIRONMENTAL SCIENCE ASSOCIATES, INC. FOR THE PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE WASTEWATER MASTER PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Environmental Science Associates, Inc. for the Preparation of a Draft Environmental Impact Report for the Wastewater Master Plan be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of August, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-494

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ANALYTICAL LABORATORY TESTING AND RELATED LABORATORY SERVICES FOR THE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT WATER QUALITY CONTROL LABORATORY FOR FISCAL YEAR 1996-97 WITH TWO ONE-YEAR EXTENSIONS


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 analytical laboratory testing and related laboratory services for the Public Works and Transportation Department Water Quality Control Laboratory for Fiscal Year 1996-97 with two one-year extensions, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 27, 1996 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 3rd day of September, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-495

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF AN ON-CALL MAINTENANCE AGREEMENT FROM IBM FOR THE FINANCE DEPARTMENT MAINFRAME COMPUTER, AND AUTHORIZE THE CITY MANAGER TO SIGN AGREEMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of an on-call maintenance agreement from IBM for the Finance Department mainframe computer, is hereby waived.

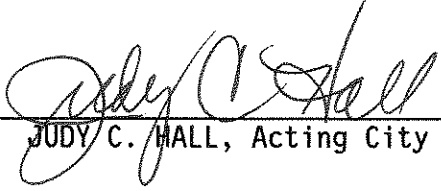
BE IT FURTHER RESOLVED that purchase of an on-call maintenance agreement from IBM for the Finance Department mainframe computer for a not to exceed price of \$30,074.21, is hereby approved.

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 September, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST:



JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-496

A RESOLUTION ACCEPTING THE ANNUAL CAPITAL FACILITIES FEES ANNUAL SUMMARY REPORT AND MAKING THE REQUIRED STATUTORY FINDINGS.

WHEREAS, pursuant to Government Code Section 66006(b), each year the City Council is required to review certain Capital Facilities Fee (CFF) matters, and

WHEREAS, such matters required by said Government Code are as follows:

1. The beginning and ending balance for the fiscal year.
2. The fee, interest and other income received in each fund.
3. The expenditures made in each fund.
4. The amount of any refunds given.

and

WHEREAS, in addition, the City is required, pursuant to Government Code Section 66001(d), to make certain findings regarding any Capital Facilities Fees funds that remain unexpended or uncommitted for five or more years after being deposited, and

WHEREAS, a report to the Council dated August 26, 1996, from the Finance Director summarized the items required by said Government Code Section, and

WHEREAS, said report was considered by the City Council at its meeting held on September 3, 1996, at 7:00 p.m., in the City Council Chambers in the City Hall, 801 11th Street, Modesto,

California,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto makes the following findings:

1. That the Police Capital Facilities Fee fund meets the criteria pertaining to any Capital Facilities Fees Funds which remain unexpended or uncommitted for five or more years after being deposited. That the Police CFF fund was established for the purpose of expanding the Police Facility, and the reasonable relationship between the fee and the purpose for which it was charged was established in the 1989 Recht Hausrath Report-Phase I.

2. That the Public Transportation Capital Facilities Fee fund meets the criteria pertaining to any Capital Facilities Fees Funds which remain unexpended or uncommitted for five or more years after being deposited. That the Transportation CFF fund was established for the purpose of expanding the Transportation System, and the reasonable relationship between the fee and the purpose for which it was charged was established in the 1989 Recht Hausrath Report-Phase II.

BE IT FURTHER RESOLVED that after making the above findings, the Council hereby accepts the Capital Facilities Fee Annual Summary Report for 1995-96, a copy of which report is attached hereto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney



**CITY OF MODESTO
AGENDA REPORT**

AGENDA ITEM NO.
COUNCIL MEETING: 9/03/96

Date: August 26, 1996

TO: Mayor and City Council
FROM: Director of Finance
SUBJECT: Capital Facilities Fees Annual Summary Report

RECOMMENDED ACTION:

Resolution accepting report of the Annual Capital Facilities Fees Fund Summary and making the required statutory findings.

BACKGROUND

Each year the City Council is required to review certain Capital Facilities Fee items pursuant to Government Code Sections 66006(b). These required items are as follows: the beginning and ending balance for the fiscal year; the fee, interest, and other income received in each fund; the expenditures made in each fund; and the amount of any refunds given.

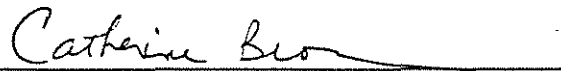
This report is a summary of those items. A public hearing is not required. The City Council's acceptance of this report fulfills the Government Code Obligation.

In addition, the City is required annually, pursuant to Government Code Section 66001(d), to make certain findings regarding any CFF funds that remain unexpended or uncommitted five or more years after being deposited. Two funds meet this criteria; the Police CFF fund and the Public Transportation CFF Fund. The required findings for the Police fund are: 1) The Police fund was established to expand the Police Facility; 2) The reasonable relationship between the fee and the purpose for which it was charged was established in the 1989 Recht Hausrath Report-Phase I. The required findings for the Public Transportation fund are: 1) The Public Transportation fund was established to expand the transportation system; 2) The reasonable relationship between the fee and the purpose for which it was charged was established in the 1989 Recht Hausrath Report-Phase II.

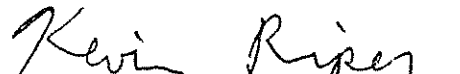
REASONS FOR RECOMMENDATION:

This report must be generated in order to comply with the Government Code .

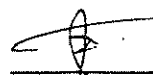
Prepared by:


Catherine Brown, Budget Analyst and
CFF Task Force Member

Recommended by:


Kevin Riper, Director of Finance

Submitted by:


J. Edward Tewes, City Manager

**Capital Facilities Fee
Annual Summary Report
1995-96**

The annual report is made each year in order to comply with the Government Code sections 66001(d), and 66006(b) relating to the collection of Capital Facility Fees (CFF).

Requirements for Section 66001(d) are as follows: "The local agency shall make findings once each fiscal year with respect to any portion of the fee remaining, unexpended or uncommitted in its account five or more years after deposit of the fee to identify the purpose to which the fee is to be put and demonstrate a reasonable relationship between the fee and the purpose for which it was charged."

As of 6/30/96, two of the CFF funds had a portion of the fee remaining in it's fund which was either unexpended, uncommitted and had been collected five or more years ago. These are the Police CFF fund and the Public Transportation CFF fund, which had \$460,840 and \$72,518 respectively remaining. The CFF funds have been based on the need for certain capital projects to be completed. These projects are identified in the Capital Improvement Program as well as in the Annual Capital Facility Fee (CFF) Updates.

The nexus for the Phase I CFF fees was established in the 1989 Recht Hausrath Capital Facility Fee report which was adopted by Council on February 28, 1989. The nexus for the Phase II fees was established in the Dowling Traffic Study which was adopted by Council on November 20, 1989. The nexus for these fees has not changed.

In a few of the funds, such as the Police, Parks, and the Other Facilities funds, the outlined projects are so large that funding must first be accumulated over several years before the projects can begin.

Section 66006(b) requires a listing of the following for each fund:

- beginning and ending fund balance
- fees collected during the year
- interest allocated during the year
- other income
- expenditures made in each fund
- amount of any refunds given

This information is listed on Attachment I.

City of Modesto
 Finance Department
 11/15/96

Attachment I

City of Modesto
 Capital Facilities Fees
 Annual Summary Report
 FY 1995-96

	Total All Funds	Police Fund 131	Fire Fund 132	Parks Fund 135	Other Facilities Fund 138	CFF Admin Fund 139	Streets Fund 141	Public Transportn Fund 142	Air Quality Fund 143
Fund Balance 6/30/95	\$8,609,097	\$992,034	(\$372,019)	\$1,474,434	\$697,899	\$65,662	\$5,334,443	\$163,195	\$253,449
Add:	0								
Fee Revenue (net of refunds)	1,253,522	63,739	37,881	295,053	56,114	30,592	738,772	10,936	20,435
Other Revenue(State/Cty)	962,257	0	0	122	0	0	962,135	0	0
Transfers In	0	0	0	0	0	0	0	0	0
Interest Revenue	553,524	64,537	512	92,554	40,378	4,619	324,045	10,782	16,097
Less:									
Expenditures	3,439,514	18,742	80,964	499,098	82,612	9,564	2,721,302	0	27,232
Transfers Out	94,437	0	0	0	75,000	0	0	0	19,437
Fund Balance 6/30/96	7,844,449	1,101,568	(414,589)	1,363,065	636,780	91,309	4,638,093	184,912	243,312
Less:									
Encumbrances 6/30/96	1,277,357	4,926	0	85,405	212,817	0	924,720	0	49,489
Reappropriations 6/30/96	3,462,458	0	0	824,600	14,140	0	2,428,439	153,000	42,279
Available Working Capital 6/30/96	\$3,104,635	\$1,096,642	(\$414,589)	\$453,061	\$409,823	\$91,309	\$1,284,934	\$31,912	\$151,544
Total Refunds made during 1995-96:	\$722	\$280	\$172	\$0	\$253	\$18	\$0	\$0	\$0

MODESTO CITY COUNCIL
RESOLUTION NO. 96-497

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE MANAGEMENT ASSOCIATION FOR THE FISCAL YEARS 1996-1997 THROUGH 1999-2000.

WHEREAS, the representatives of the City and the Modesto Police Management Association (MPMA) have met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by the MPMA for the Fiscal Years 1996-97 through 1999-2000, and

WHEREAS, the Memorandum of Understanding represents the mutual understandings reached as a result of such meet and confer sessions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto Police Management Association for the Fiscal Years 1996-97 through 1999-2000 is hereby approved and shall become effective retroactive on August 6, 1996, a copy of said MOU is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the implementation of said Memorandum of Understanding by the designated City Officials is hereby authorized, retroactive to August 6, 1996.

BE IT FURTHER RESOLVED that the implementation of salary schedules for the MPMA is hereby authorized as set forth in said MOU.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-498

A RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS IN YOSEMITE MEADOWS NO. 2
SUBDIVISION AND AUTHORIZING RELEASE OF THE FAITHFUL PERFORMANCE BOND AND THE
LABOR AND MATERIALS BOND

WHEREAS, Lowe Development Company, a California Corporation, subdividers of Yosemite Meadows No. 2 have filed a CD in the amount of \$300,000 for faithful performance and labor and materials to guarantee improvements in Yosemite Meadows No. 2 subdivision and;

WHEREAS, the Public Works and Transportation Director in a memorandum dated August 23, 1996 indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Public Works Department; and

WHEREAS, the Public Works and Transportation 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:

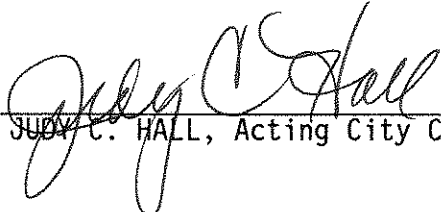
1. The improvements in Yosemite Meadows Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the CD for faithful performance and labor and materials in the amount of \$300,000 upon recordation of notice of completion and expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman,
McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-499

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS FOR PURCHASE OF 7.739 ACRES OF THE WOODLAND PARK SITE

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 purchase of 7.739 acres of the Woodland 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 3rd day of September, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JUDY C. HALL, Acting City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-500**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO FULLY FUND
AN EXISTING PROJECT ENTITLED PUBLIC FACILITIES DISTRICT NO. 11**

WHEREAS, the City Council awarded a \$77,208.50 contract to Ross F. Carroll, Inc. on May 21, 1996 to install curb, gutter, sidewalk, and rockwells on Rose, Brighton, Elm, and Emerald Avenues.

WHEREAS, during the course of construction, it was discovered that an existing rockwell was located too close to a former Del Este domestic water well on Brighton Ave. As a result, the old rockwell and the new rockwell proposed in this project have to be relocated 150 feet away from the domestic water well to comply with state health regulations. This involves drilling the new rockwells, abandoning the old rockwell, installing underground pipes to connect the catch basins with the new rockwells, and to repave the trench.

WHEREAS, this resolution provides the additional required funding of \$9,500 from the Miscellaneous Storm Drain CIP project.

WHEREAS, the following adjustments are necessary:

Gas Tax Fund 070

Fund/Agy/Org		Increase (Decrease)
Expenditures		
070-430-E458-6040	Public Facilities District #11	\$9,500
Revenues		
070-700-7000-9628	Transfer in from fund 628	\$9,500

Storm Drain Fund 628

Fund/Agy/Org		Increase (Decrease)
Expenditures		
628-480-H087-6040	Miscellaneous Storm Drain Repairs	(\$9,500)
628-700-7000-7070	Transfer out to fund 070	\$9,500

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 day of September 3, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution

adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and 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

RESCINDED

1998-164

MODESTO CITY COUNCIL
RESOLUTION NO. 96-501

A RESOLUTION OF INTENTION OF THE MODESTO CITY COUNCIL TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 1996-1 AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX WITHIN THE PROPOSED DISTRICT

THIS RESOLUTION WAS
RESCINDED BY MODESTO
CITY COUNCIL RESOLUTION
NO.

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 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 "B", 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 service (the "Services"), more particularly described in Exhibit "C", and

WHEREAS, in the event the community facilities 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 Community Facilities District, and

WHEREAS, there has 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 Districts," dated August 28, 1996, on file with the City Clerk, (a copy of which is attached hereto as Exhibit "D"), is hereby adopted, pursuant to Section 53312.7 of the Act, as the local goals and policies concerning the use of the Act by this City Council.

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. 1" and is referred to in this Resolution as the "District."

SECTION 3. (a) The 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 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 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 or operate; or which a local public agency is authorized by law to 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 "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 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 (a) 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.

(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 required by Section 53325.3 of the Act, the special tax as apportioned to each parcel pursuant to Exhibit "A" is not on, or based upon, the ownership of real property.

(d) The landowners may prepay in full the amount needed to discharge the special tax lien pursuant to the procedures set forth in Exhibit "A".

(e) 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 cancelled 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 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) 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 hereafter as practicable, on Tuesday, October 8, 1996, 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 Public Works & 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 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;

(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 such officer'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 to be incurred in connection with providing both the Facilities and the Services, including the costs as provided in Section 53345.3 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. 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. 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 14. (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 (1/2) 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 15. (a) If, after the hearing described in Section 7, 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 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) 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 15 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

EXHIBIT A
RATE, METHOD AND MANNER OF APPORTIONMENT
OF SPECIAL TAX

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 and trails.

"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 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 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 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 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, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way.

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
(Fiscal Year 1996-97)

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	\$19,214 per Gross Acre
2	Village Residential	\$28,833 per Gross Acre
3	Multi-Family Residential	\$75,073 per Gross Acre
4	Commercial	\$84,597 per Gross Acre
5	Industrial	\$39,748 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 the CFD 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 PropertyUndeveloped 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.

EXHIBIT B
DESCRIPTION OF FACILITIES

EXHIBIT B 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 Sylvan, 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. Jog paths provided in interim.

B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin (9 acres)**: Retention with pump out facilities to Central Basin.
2. **Central Basin (15 acres)**: 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.

EXHIBIT B - DESCRIPTION OF FACILITIES, Cont.

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 Park	7 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, and a bike trail is to be developed along M.I.D. Lateral No. 3.

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 engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, as well as future annual administration costs for the CFD. The City of Modesto will be reimbursed through the CFD for their costs.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET/MEDIAN LANDSCAPING

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road street and median 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.

EXHIBIT C
DESCRIPTION OF SERVICES

Operations and maintenance of "parks, parkways, and open space", pursuant to Section 53313(d), including street landscaping and trails, to the extent that they are in addition to those provided in the territory within the District before the District was created.

EXHIBIT D

CITY OF MODESTO

POLICIES AND PROCEDURES FOR THE USE OF THE
MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982

The following policies and procedures for the use of the Mello-Roos Community Facilities Act of 1982 (the "Act") are established under provisions of Government Code 53312.7. These policies and procedures outline the allowable uses for, and the City requirements in establishing and using the Act to establish a community facilities district ("CFD") to finance allowable facilities or the provision of allowable services. For purposes hereof, a committee appointed by the City Council, appointed to review proposed Mello-Roos financing, is referred to as the "Mello-Roos Committee."

1. PRIORITY OF FACILITIES TO BE FINANCED

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 this document and any subsequent amendments. It is the City's intent to use the Act to provide for the financing of City-owned and operated infrastructure and services. Priority in using CFD funding shall be given to the funding of capital projects that are regional in nature and have the broadest possible benefit to the land uses included in the CFD. Projects of a regional nature may include facilities to be owned and operated by other public agencies.

2. CREDIT QUALITY TO BE REQUIRED OF BOND ISSUES

- A. 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.
- B. 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.

- C. 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.)
- D. 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.
- E. 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.
- F. 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.

3. INFORMATION TO PROPERTY OWNERS

- A. 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 a subdivider, or its agent or representative, information in order for such subdivider, agent or representative to comply with Section 53341.5 of the Act.
- B. 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.

4. CRITERIA FOR EVALUATING THE EQUITY OF THE SPECIAL TAX FORMULA

The proposed rate and method of apportionment shall comply with the following criteria:

- A. 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.
- B. 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.

- C. The projected annual tax revenues shall include reasonable annual administrative expenses and other direct costs to the CFD.
- D. 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.
- E. 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.
- F. A formula to prepay the special tax shall be considered.
- G. 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 Mello-Roos Committee and approved by the City Council.
- H. 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.
- I. 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.

5. 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:

- A. 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.
- B. 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.
- C. All terms and conditions for the sale of bonds shall be established by the City.

6. APPRAISAL REQUIREMENTS

- A. Value of Land. There must be evidence that the value of the land that will secure the bond issue is at least three times the amount of bonds to be sold and any overlapping special assessment and/or CFD bonded debt on the property as of the anticipated date of sale of the bonds. The evidence of value may consist of:
 - 1. Full cash value as shown on the most current ad valorem assessment roll for the property; or
 - 2. An appraisal performed by a state certified real estate appraiser, as defined in subdivision (c) of Section 11340 of the Business and Professions Code, retained by the City and consistent with the criteria set forth in Attachment A hereto.
- B. Absorption Study. An absorption study may also be required by the City.

7. CFD FORMATION PROCEDURES

Section 1.

Petitions to the City Council shall be prepared by bond counsel. No petition to initiate the formation of a land secured financing will be considered valid without the payment of a fee to compensate the City for all costs incurred to perform its analysis of the proposal and to pay for the costs of conducting the proceedings.

The property owners requesting preparation of a petition shall designate a spokesperson for the property owners.

The City shall retain the provision of professional and specialized services of bond counsel, financial advisor, assessment engineer or special tax consultant, appraiser, economist/absorption specialists, etc.

Property owner's spokesperson shall be responsible for the following:

- a. Advising all property owners to contact him or her for answers to their questions concerning CFD matters.
- b. 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 Mello-Roos Committee, if constituted, or designated City staff, and City consultants as specified by the Mello-Roos Committee.
- c. Informing property owners that any estimated cost figures supplied to them prior to the estimate contained in the report, as preliminarily approved by the City Council, must not be relied upon as necessarily precise.

Section 2.

It is the policy of the City that owners of properties improved through CFD proceedings pay all City and associated costs of such proceedings and other costs incurred in advance of any bonds being sold. Therefore, on all developer-initiated applications, if actual City costs exceed the amounts estimated below, the developer will be required to advance additional money to pay all costs incurred or to be incurred. Any failure to do so within ten days of demand by the City will be grounds for termination of all activities by the City and by the consultants retained for the purpose of the financing.

When bonds are sold, bond proceeds may be used to reimburse those advancing such funds for these expenditures. The form of reimbursement agreement will be prepared by the City or bond counsel.

If bonds are not sold, any balance remaining in this trust account and not encumbered shall be returned to

those advancing such funds.

8. 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 15c2-12.

ATTACHMENT A

CRITERIA FOR APPRAISALS

A. Definition of Appraisal. An appraisal is a written statement independently and impartially prepared by a state certified real estate appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

B. Standards of Appraisal. The format and level of documentation for an appraisal depend on the complexity of the appraisal problem. A detailed appraisal shall be prepared for complex appraisal problems. A detailed appraisal shall reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition. An appraisal must contain sufficient documentation, including valuation data and the appraiser's analysis of the data, to support his or her opinion of value. At a minimum, the appraisal shall contain the following items.

1. The purpose and/or the function of the appraisal, a definition of the estate being appraised, and a statement of the assumptions and limiting conditions affecting the appraisal.
2. An adequate description of the physical characteristics of the property being appraised, location, zoning, present use, an analysis of highest and best use.
3. All relevant and reliable approaches to value consistent with commonly accepted professional appraisal practices. If a discounted cash flow analysis is used, it should be supported with at least one other valuation method such as a market approach using sales that are at the same stage of land development. If more than one approach is utilized, there shall be an analysis and reconciliation of approaches to value that are sufficient to support the appraiser's opinion of value.
4. A description of comparable sales, including a description of all relevant physical, legal and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.
5. A statement of the value of the real property.

6. The effective date of valuation, date of appraisal, signature and certification of the appraiser.

C. Conflict of Interest. No appraiser or review appraiser shall have any interest direct or indirect in the real property being appraised for the City that would in any way conflict with the preparation or review of the appraisal. Compensation for making an appraisal shall not be based on the amount of valuation.

D. Community Facilities District Appraisal Premises. The valuation of property within a CFD should be based on the following three premises:

1. Raw Land Value. (Premise #1). The total land within the project is valued "as is",

- (a) With any existing infrastructure
- (b) Without proposed infrastructure being financed
- (c) With existing parcel configuration
- (d) Considering planned densities allowed by the specific plan of the project.

This is a typical type of land valuation.

2. Project Buildout Value. (Premise #2) The total land within the project is valued under projected conditions.

- (a) With all proposed infrastructure being financed completed. Evidence must be provided that all financing is in place prior to any bonds sold.
- (b) At the planned densities allowed by the specific plan.
- (c) Land development is at the stage of being marketed to merchant builders or tentative tract maps ready to be filed.

This is a projected value based on project plan predicated on market conditions continuing as projected and discounted to today's market values.

3. Bulk Land Value. (Premise #3) The total land within the project is valued under projected conditions.

- (a) With proposed infrastructure being finance

completed.

- (b) With existing parcel configuration.
- (c) Considering planned densities allowed by the specific plan of the project.

This premise should consider a discounted or "quick sale" valuation considering time, costs and the possibility of a per unit value based on the total size of the project.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-502

A RESOLUTION APPROVING THE FINAL MAP OF
NOTTINGHAM PLACE PHASE I SUBDIVISION OF THE
CITY OF MODESTO.

WHEREAS, Stewart W. Bradley and Betty J. Bradley are
possessed of a tract of land situate in the City of Modesto,
County of Stanislaus, consisting of 0.79 acres, known as
Nottingham Place Phase I Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the City Council 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 Nottingham Place Phase I
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 3rd day of September, 1996, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-503

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: APPROVAL OF THE FINAL MAP OF NOTTINGHAM PLACE PHASE I SUBDIVISION OF THE CITY OF MODESTO.

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, Stewart W. Bradley and Betty J. Bradley are possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 0.79 acres, known as Nottingham Place Phase I Subdivision, and

WHEREAS, on November 17, 1995, 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, by Environmental Assessment No. 95-116 findings have been made 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. 95-28, adopted on November 27, 1995, approved the vesting tentative map of Nottingham Place Subdivision, located in Precise Plan Area No. 32 of the Village One Specific Plan on the south side of Merle Avenue between Roselle Avenue and Claus Road, and City staff, by a report dated August 28, 1996, from the Community Development Department, recommended to the City Council approval of the Final Map of Nottingham Place Phase I Subdivision, and

WHEREAS, said matter was considered by the City Council at its meeting of September 3, 1996, 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. 95-116, entitled "Use of Previous EIR and Findings", for the proposed project, and the Council hereby makes the following findings:

1. That the project is within the scope of the Village One Specific Plan 1990 Program EIR as amended by the Village One Final Supplemental EIR adopted May 24, 1994 (State Clearing House No. 90020181). These documents adequately describe the project for purposes of CEQA. Therefore, no new environmental document is required (Section 15168(c)(2), State CEQA Guidelines).

2. The proposed Vesting Tentative Subdivision Map in Precise Plan Area No. 32 poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162(a)(1) State CEQA Guidelines).
3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162(a)(2) State CEQA Guidelines).

A copy of said Environmental Assessment No. 95-116, entitled "Use of Previous EIR and Findings", 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 3rd day of September, 1996, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

City of Modesto

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT ENVIRONMENTAL ASSESSMENT COMMITTEE

USE OF PREVIOUS EIR AND FINDINGS

E. A. No. 95-116

I. BACKGROUND

1. Name of Project:
Nottingham Place (PPA-32)
2. Name, Address and Phone Number of Proponent:
Zagaris Real; Estate, 1200 E. Orangeburg Ave. Modesto, CA 95350
(209) 527-2010
3. Type of Project:
VTSM
4. Location:
Precise Plan Area No. 32 is bordered by Merle Ave. on the north, MID
lat. No. 3 on the south, proposed Village One Road C on the east and
PPA 31 on the west.
5. Description of Proposed Project:
The approval and adoption of Precise Plan Area 32 and the approval of
a 119 lot vesting tentative subdivision map for the east half of the
above mentioned Precise Plan Area.

References to the EIR and mitigation measures in this document pertain to the Village One EIR (SCH#90020181) as amended by the Supplemental EIR. The 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted May 24, 1994. The Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These measures have been revised by the Supplemental EIR which is now the project EIR. All 40 Mitigation Measures contained in the Supplemental EIR have been incorporated into the Specific Plan and Facilities Master Plan and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and Transportation Department will incorporate the appropriate mitigation measures from the Supplemental EIR.

II. ENVIRONMENTAL IMPACTS

A. EARTH. Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Unstable earth conditions or in changes in geologic substructures?	___	___	___ ✓
2. Disruptions, displacements, compaction or overcovering of soil?	___	___	___ ✓
3. Change in topography or ground surface?	___	___	___ ✓
4. The destruction, covering or modification of any unique geologic or physical features?	___	___	___ ✓
5. Any increase in wind or water erosion of soils, either on or off the site?	___	___	___ ✓
6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, or ground failure?	___	___	___ ✓

Discussion: The project area does not overlie any major land formation, fault line, sensitive lands, or unique geological features. Earth related impacts are adequately covered on pages 4.7-1 to 4.7-14 of the 1990 Program EIR, and on pages III-105 to III-108 of the Final Supplement to an EIR for the Proposed Village One Specific Plan Amendment No. 4.

The project site is relatively flat and has not been used as a landfill site, any potential for unstable soil conditions would be determined by the Chief Building Official through review of soil reports to determine if foundation investigations and appropriate building design are required pursuant to the UBC (Geology & Soils, Page III-106, Final Supplement an Environmental Impact Report for the Proposed Village One Specific Plan Amendment No. 4).

Therefore, the previous analysis and corresponding mitigation measures for Geologic and Seismic impacts are adequate.

B. AIR Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Substantial air emission or deterioration of ambient air quality?	___	___	___ ✓

2. The creation of objectionable odors? ✓

AIR Will the proposal result in: Yes Maybe No

3. Alteration of air movement, moisture,
or temperature, or any change in climate,
either locally or regionally? ✓

Discussion: The project will have a very similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

C. WATER Will the proposal result in: Yes Maybe No

1. Changes in currents, or the course
of direction of fresh water movements? ✓

2. Changes in absorption rates, drainage
patterns, or the rate and amount of surface
runoff? ✓

3. Alterations to the course of flow of flood
waters? ✓

4. Change in the amount of surface water in
any water body? ✓

5. Discharge into surface waters, or in any
alteration of surface water quality,
including but not limited to temperature,
dissolved oxygen or turbidity? ✓

- | | | | | |
|----|--|---|---|----------|
| 6. | Alteration of the direction or rate of flow of ground waters? | — | — | <u>✓</u> |
| 7. | Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | — | — | <u>✓</u> |
| 8. | substantial reduction in the amount of public water supply? | — | — | <u>✓</u> |
| 9. | Exposure of people or property to water related hazards such as flooding? | — | — | <u>✓</u> |

Discussion: The project will not introduce any new impacts not already covered in the 1990 Program EIR and the 1994 Supplemental EIR. Hydrology has been adequately addressed on pages 4.8-1 to 4.8-18 of the Program EIR, as well as on pages III-109 to III-119 of the Final Supplemental EIR.

The project will not effect the quantity of groundwaters nor will it impact groundwater recharge capability. The project will have no effect on groundwater flows. Because of the Specific Plan's requirement for the project to connect to a positive stormwater system, the project will have no impact on groundwater quality (Mitigation Measure No 28, Page II-44, Final Supplement to an Environmental Impact Report).

For this reason, the analysis of impacts and its corresponding mitigation measures on water resources are adequate.

D. PLANT LIFE Will the proposal result in: Yes Maybe No

- | | | | | |
|----|---|---|---|----------|
| 1. | Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? | — | — | <u>✓</u> |
|----|---|---|---|----------|

PLANT LIFE Will the proposal result in: Yes Maybe No

- | | | | | |
|----|--|---|---|----------|
| 2. | Reduction of the numbers of any unique, rare or endangered species of plants? | — | — | <u>✓</u> |
| 3. | Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | — | — | <u>✓</u> |

4. Reduction in acreage of any agricultural crop? ___ ___ ✓

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in: Yes Maybe No

- | | | | | |
|----|---|-----|-----|----------|
| 1. | Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)? | ___ | ___ | <u>✓</u> |
| 2. | Reduction of the numbers of any unique, rare or endangered species of animals? | ___ | ___ | <u>✓</u> |
| 3. | Introduction of new species of animals? | ___ | ___ | <u>✓</u> |
| | into the area, or result in a barrier to the migration or movement of animals? | ___ | ___ | <u>✓</u> |
| 4. | Deterioration to existing fish or wildlife habitat? | ___ | ___ | <u>✓</u> |

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

F. NOISE Will the proposal result in significant: Yes Maybe No

- | | | | | |
|----|--|-----|-----|----------|
| 1. | Increases in existing noise levels? | ___ | ___ | <u>✓</u> |
| 2. | Exposure of people to severe noise levels? | ___ | ___ | <u>✓</u> |

- 3. Will the project require noise abatement measures?
- 4. Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity?

Discussion:

Noise Impacts were addressed on pages 4.6-1 to 4.6-21 of the Program EIR and on pages III-55 to III-67 of the Final Supplemental EIR. The proposed project will not introduce new noise related impacts that were not addressed in the EIR. Construction would not cause a significant increase in noise generation. There would be no significant increase in transportation-related noise from trains or autos.

There would be no impact from exposure of people to severe noise levels during either operation or construction (Mitigation Measure No. 22, Page II-38, Final Supplement to an Environmental Impact Report.

For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

- G. LIGHT AND GLARE Would on or off-site residents be subject to light or glare that would disturb those residents? Yes Maybe No

Discussion:

Construction of project would not create any significant light or glare impacts. Although the installation of lighting is planned for streets, City Engineering Division staff routinely review lighting plans to ensure electroliers are not aimed directly at residences. For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

- H. LAND USE Will the proposal result in a substantial alteration of the present or planned land use of an area? Yes Maybe No

Discussion: The project is still within the range of uses analyzed in the Program EIR. This new number would yield a total residential program within the range analyzed in the Program EIR of 7,000 to 8,000 units (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994) and therefore is a Less than Significant change.

Land use impacts were addressed on pages 4.1-1 to 4.1-25 in the Program EIR and on pages III-80-III-94 of the Final Supplemental EIR. The proposed project will not introduce new land use related impacts not addressed in the EIR. Thus, the previous analysis on impacts to land uses is adequate.

I. NATURAL RESOURCES Will the proposal result in an increase in the rate of use of any natural resource? Yes Maybe No
 _____ _____ ✓

Discussion: The proposed revisions to the Specific Plan will not introduce new natural resource impacts not addressed in the Program EIR. Impacts to natural resources have been discussed in the Air Quality, Vegetation and Wildlife, Geology and Soils and Hydrology sections of both of the Program EIR and Supplemental EIR. Thus, the previous analysis on impacts to natural resources is adequate.

J. RISK OF UPSET Will the proposal involve: Yes Maybe No

1. A risk of an explosion or the release of hazardous substances (including but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions? _____ _____ ✓

2. Possible interference with an emergency response plan or an emergency evacuation plan? _____ _____ ✓

Discussion: The project is not located as to be exposed to a risk of an explosion or release of hazardous substances, based upon a review of the site, the project and the surrounding land uses. Therefore, there is no potential for a significant impact to the environment due to hazardous risks.

The proposal will not interfere with any emergency response plan or any emergency evacuation plan based on input from the fire and police departments. Therefore, there is no potential for a significant impact on the environment due to any emergency plan.

K. POPULATION Will the proposal: Yes Maybe No

Alter the location, distribution, density, or growth rate of the human population of an area not considered in the EIR? _____ _____ ✓

Discussion: The concerns inherent in population growth impacts have been addressed on pages 4.2-1 to 4.2-17 of the Program EIR as well as on pages III-95 to III-99 of the final Supplemental EIR. The proposed project will not introduce any new population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not changed. Therefore, the previous population growth impact analysis is adequate.

L. HOUSING Will the proposal: Yes Maybe No

Affect existing Housing, or create a demand for additional housing that was not considered in the EIR?

___ ___

Discussion: Any environmental problems associated with this project related to housing have been addressed on pages 4-2-1 to 4-2-17 of the Program EIR as well as on pages III-95 to III-99 of the Final Supplemental EIR. The project would yield a total residential program within the range analyzed in the Program EIR of 7,000 to 8,000 units (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994) and therefore is a Less than Significant change. Thus, the previous impacts on housing associated with this project have been adequately analyzed.

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant: Yes Maybe No

1. Generation of substantial additional vehicular movement?

___ ___

2. Effects on existing parking facilities, or demand for new parking?

___ ___

3. Substantial impact upon existing transportation systems?

___ ___

4. Alterations to present patterns of circulation or movement of people and/or goods?

___ ___

5. Alterations to rail or air traffic?

___ ___

6. Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians?

___ ___

Discussion: Any impacts related to transportation and circulation have been addressed on pages 4.4-1 to 4.4-42 in the Program EIR, as well as on pages III-40 to III-44 of the Final Supplemental EIR. The Final Supplemental EIR found that any

additional impacts resulting from the project can be mitigated to a less than Significant level (Environmental Effects, Page II-9, Final Supplemental EIR). Mitigation measures 6 through 20 of the Final Supplemental EIR pertain to Transportation and circulation impacts. The project specific mitigation measures will be applied as determined by the Public Works and Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Fire protection?	—	—	<u>✓</u>
2.	Police Protection?	—	—	<u>✓</u>
3.	Schools?	—	—	<u>✓</u>
4.	Parks or other recreational facilities?	—	—	<u>✓</u>
5.	Maintenance of public facilities, including roads?	—	—	<u>✓</u>
6.	Other governmental services?	—	—	<u>✓</u>

Discussion:

Construction of the project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II -52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).

Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.

O. UTILITIES AND ENERGY	Will the proposal Result in a need for new systems, or substantial alterations to the following utilities:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Power or Natural gas?	—	—	<u>✓</u>
2.	Communications systems?	—	—	<u>✓</u>
3.	Water?	—	—	<u>✓</u>
4.	Sewer and septic tanks?	—	—	<u>✓</u>
5.	Storm water drainage?	—	—	<u>✓</u>
6.	Solid waste disposal?	—	—	<u>✓</u>
7.	Substantial amounts of fuel or energy?	—	—	<u>✓</u>

Discussion:

The Modesto Irrigation District and the Pacific Gas & Electric Company have indicated they will be able to serve the Village One area which includes the project.

Pacific Bell Telephone Company and Post Newsweek Cable Company have indicated they can serve the Village One area.

The City of Modesto's water distribution lines will be extended to serve the project (Mitigation Measure No. 32, Page II-48, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto's sewer lines will be extended to serve the project site (Mitigation Measure No. 34, Page II-50, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto will require the installation of Storm water drainage facilities to serve the site (Mitigation Measure No. 27, Page II-43, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan The project will be served by the City/County Waste-to-Energy facility (Public Services, Pages III-125 & 126, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

P. HUMAN HEALTH Will the proposal result in: Yes Maybe No

- | | | | | |
|----|---|---|---|----------|
| 1. | Creation of any health hazard or potential health hazard (excluding mental health)? | — | — | <u>✓</u> |
| 2. | Exposure of people to potential health hazards? | — | — | <u>✓</u> |

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

Q. AESTHETICS Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? Yes Maybe No

— — ✓

Discussion:

The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan, The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

R. CULTURAL RESOURCES Yes Maybe No

- | | | | | |
|----|---|---|---|----------|
| 1. | Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site? | — | — | <u>✓</u> |
| 2. | Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object? | — | — | <u>✓</u> |
| 3. | Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? | — | — | <u>✓</u> |
| 4. | Will the proposal restrict existing religious or sacred uses within the potential impact | | | |

area?

 ✓

Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the Program EIR on pages 4-1, response no. 4.3. The research did not produce any finding for any historical, ethnographic and archaeological resources. The proposed project would not introduce any new cultural resource related impacts, therefore, no Cultural Resources impacts would occur.

S. MANDATORY FINDINGS OF SIGNIFICANCE Yes Maybe No

1. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal or eliminate important examples of the major periods of California history or prehistory? ✓

2. Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals? ✓

3. does the project have impact which are individually limited, but cumulatively considerable? ✓

4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ✓

T. RECOMMENDED CONDITIONS OF APPROVAL

U. MITIGATION MEASURES

The financing, scheduling, and monitoring for performance of Mitigation Measures listed in the EIR that pertain to this proposal shall be accomplished by the Pubic Works and Transportation Department.

On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).
2. The proposed VTSM in PPA-32 poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162 (a)(1) State CEQA Guidelines).
3. No substantial changes have occurred that will require ~~required~~ important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162 (a)(2) State CEQA Guidelines).

Signature: _____

Date: _____

John Mays, Jr.
11-17-95

MODESTO CITY COUNCIL
RESOLUTION NO. 96-504

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ELECTRONIC IMAGING SERVICES FOR THE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT - ENGINEERING 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 Electronic Imaging Services for the Public Works and Transportation Department - Engineering Division, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 2, 1996 at 11:00 a.m., the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 10th day of September, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-505

A RESOLUTION ACCEPTING THE BID OF D & L CONCRETE PUMPING INC. FOR REPLACING AND REPAIRING CURB, DRIVE APRONS, SIDEWALKS AND ASPHALT FOR FISCAL YEAR 1996-97 WITH TWO ONE-YEAR EXTENSIONS

WHEREAS, Resolution No. 96-454, adopted by Council on August 13, 1996, authorized a call for bids on August 26, 1996 for Replacing and Repairing Curb, Drive Aprons, Sidewalks and Asphalt for Fiscal Year 1996-97 with two one-year extensions; and

WHEREAS, the bids received for Replacing and Repairing Curb, Drive Aprons, Sidewalks and Asphalt for Fiscal Year 1996-97 with two one-year extensions, were opened at 11:00 a.m. on August 26, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of D & L Concrete Pumping Inc. for a total amount of \$148,412.50 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of D & L Concrete Pumping Inc. be accepted and the 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 September, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-506

A RESOLUTION ACCEPTING THE BID OF HOWK SYSTEMS FOR THE PURCHASE OF ANNUAL WATER WELL PUMP REQUIREMENTS FOR FISCAL YEAR 1996-97 WITH TWO ONE-YEAR EXTENSIONS WITH A TOTAL FIRST YEARS COST OF \$400,000 AND A THREE-YEAR TOTAL COST OF \$1,200,000

WHEREAS, Resolution No. 96-213, adopted May 7, 1996, authorized the purchase of Annual Water Well Pump Requirements for Fiscal Year 1996-97, with bids to be opened on May 28, 1996 at 2:05 p.m.; and

WHEREAS, the bids received for the purchase of Annual Water Well Pump Requirements for Fiscal Year 1996-97 were rejected and a new call for bids issued to be opened August 20, 1996, as authorized by Resolution 96-439, adopted on August 6, 1996; and

WHEREAS, the bids received for the purchase of Annual Water Well Pump Requirements for Fiscal Year 1996-97, were opened at 11:10 a.m. on August 20, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Howk Systems for a total amount of \$400,000 for the first year and a three year total cost of \$1,200,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Howk Systems 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 September, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-507

A RESOLUTION ACCEPTING THE BID OF R & B SONS FOR PURCHASING THE ANNUAL ROCK, SAND, AND GRAVEL REQUIREMENTS FOR FISCAL YEAR 1996-97 WITH TWO ONE-YEAR EXTENSIONS WITH A TOTAL FIRST YEAR COST OF \$43,000.00 AND A THREE-YEAR TOTAL COST OF \$130,000.00

WHEREAS, Resolution No. 96-272, adopted by the Council of the City of Modesto on May 21, 1996 approved the call for bids for purchasing the Annual Rock, Sand, and Gravel Requirements for Fiscal Year 1996-97; and

WHEREAS, the bids received for purchasing the Annual Rock, Sand, and Gravel Requirements for Fiscal Year 1996-97, were opened on June 3, 1996 at 2:05 p.m. and were deemed incomplete and non-responsive, and on August 8, 1996 by Resolution 96-438, Council rejected the bids and authorized a new call for bids; and

WHEREAS, the bids received for purchasing the Annual Rock, Sand, and Gravel Requirements for Fiscal Year 1996-97, were opened at 11:00 a.m. on August 20, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of R & B and Sons for a total first year cost of \$43,000.00 and a three year total estimated at \$130,000.00 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of R & B and Sons 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 September, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-508

A RESOLUTION ACCEPTING THE PROJECT TITLED "TRAFFIC SIGNALS AT YOSEMITE BOULEVARD (SR132) AND CREEKWOOD DRIVE" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Traffic Signals at Yosemite Boulevard (SR132) and Creekwood Drive, has been completed by Collins Electrical Company Inc., in accordance with the contract agreement dated June 27, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Traffic Signals at Yosemite Boulevard (SR132) and Creekwood Drive be accepted from said contractor, Collins Electrical Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$91,475.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-509

A RESOLUTION APPROVING A TERMINATION OF LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND DAROLD JOLLIFF FOR THE USE OF HANGAR NO. 1 AT THE MODESTO CITY/COUNTY AIRPORT

WHEREAS, Darold Jolliff has vacated Hangar No. 1 and moved to Hangar No. 2, both without written agreements; and

WHEREAS, Darold Jolliff has agreed to pay \$1,600.00 for the back rent on Hangar No. 1;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the termination of lease agreement between the City of Modesto and Darold Jolliff for use of Hangar No. 1 and the payment of \$1,600.00 by Darold Jolliff to the City of Modesto be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said termination of 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 10th day of September, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-510

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND DAROLD JOLLIFF FOR THE USE OF HANGAR NO. 2 AT THE MODESTO CITY/COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Darold Jolliff for use of Hangar No. 2 at the Modesto City/County Airport be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-511

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALTRANS FOR TREE PLANTING ALONG STATE HIGHWAYS IN MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Caltrans for tree planting along state highways in Modesto be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-512

A RESOLUTION ACCEPTING THE BID OF WASTEWATER SOLIDS MANAGEMENT AND AUTHORIZING PURCHASE OF ANNUAL DIGESTER CLEANING SERVICES FOR FISCAL YEAR 1996-97 WITH TWO ONE-YEAR EXTENSIONS

WHEREAS, Resolution No. 96-211, adopted by the Council of the City of Modesto on May 7, 1996 approved the specifications for furnishing Digester Cleaning Services for Fiscal Year 1996-97 with Two One-Year Extensions; and

WHEREAS, the bids received for Digester Cleaning Services, were opened at 11:10 a.m. on May 28, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, not all vendors received the bid package in time to submit their bid, the bids received were rejected and a new call for bids, to be opened on August 20, 1996 was approved by Res. 96-440; and

WHEREAS, the bids received for Digester Cleaning Services were opened at 2:00 p.m. on August 20, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Wastewater Solids Management for a first-year cost of \$12,161.80 and a three-year cost of \$36,485.40 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wastewater Solids Management 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 17th day of September, 1996, 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,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-513

A RESOLUTION AMENDING THE 1996-97 BUDGET TO RE-ESTIMATE UPWARD BY \$186,254 "SB90 MANDATED COST RECOVERY" REVENUE IN THE GENERAL FUND AND APPROPRIATING \$60,420 IN THE ELECTIONS ORGANIZATION OF THE CITY CLERK & AUDITOR

WHEREAS, the Stanislaus County conducted the November 1993 general election exclusively via mail, using absentee ballots and the City and the Schools participated in this election and paid their share of the costs: \$43,445 and \$69,609, respectively;

WHEREAS, in December 1993, the City had a runoff election (where the Schools did not need to participate), also by mail, and paid the County \$111,107 to conduct it;

WHEREAS, Senate Bill 90 is a State law that allows municipalities to request reimbursement for certain State-mandated activities, one of which is the use of absentee ballots in elections;

WHEREAS, in November 1994, a claim was filed with the State Controller's office which requested State reimbursement for the eligible costs associated with absentee ballots in both the November and December 1993 elections;

WHEREAS, the State Controller's office approved that claim and on July 3, 1996, the City received a check for \$186,254;

WHEREAS, the City's 1996-97 Adopted Budget estimated only \$60,000 total revenue from Senate Bill 90 and the new estimate for reimbursement will be \$246,254;

WHEREAS, since the Schools paid \$69,609 to the City (which the City in turn paid to the County) for the Schools' share of the costs of the November 1993 election; and since the City has not been reimbursed by the State for the bulk of the total cost of that combined City/Schools election; the City should pass along to the Schools a proportionate share of the State reimbursement which the City calculates to be \$60,420.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Budget be re-estimated upward by \$186,254 revenue in the General Fund and appropriating \$60,420 in the Elections organization of the City Clerk & Auditor; which the City will pay to Modesto City Schools for the Schools' share of State reimbursement for 1993 absentee ballot costs.

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 day of September 17, 1996, 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 and 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. 96-514

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:

Fire Battalion Chief

Fire Division Chief

The revised specifications for the classifications of Fire Battalion Chief (Range 812), as shown on the attached Exhibit "A", and Fire Division Chief (Range 517), 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. EFFECTIVE DATE. This resolution shall become effective on and after October 1, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1996, 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

(SEAL)

APPROVED AS TO FORM:

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

FIRE BATTALION CHIEF

DEFINITION

To command a City Fire Suppression Platoon during an assigned shift; to supervise and serve as chief field officer in directing the response, readiness and activities of multiple fire companies; or to supervise and direct the training section; and to provide administrative support to the Fire Chief.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from higher level supervisory and management staff.

Exercises direct and indirect supervision over assigned sworn and non-sworn personnel.

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

Recommend goals and objectives; assist in the development of and implementation of policies and procedures.

Manage, supervise and coordinate Operations activities including fire suppression, communications and training.

Supervise and coordinate fire suppression companies on an assigned shift or within assigned stations; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Manage, supervise and instruct department training programs.

Interpret and apply departmental policies and procedures; enforce staff compliance.

Prepare and review forms, reports, schedules, recommendations and other administrative records related to fire suppression, training or other special programs as assigned.

Prepare special research reports and develop and manage projects and programs as assigned.

Command fire fighting activities in response to fire alarms; determine route to be taken; decide on the methods of combating fires; direct fire fighting until relieved by the senior staff.

EXAMPLES OF DUTIES (Continued)

Supervise the laying and connection of hose, direction of water streams, placement of ladders, ventilation of buildings, rescue of persons, and first aid salvage operations.

Assume responsibility for all personnel and non-emergency duties/activities within an assigned Fire Management Area(s) (FMA's) including participation in recommending the appointment of personnel; providing or coordinating staff training; working with employees to correct deficiencies; implementing discipline procedures; recommending employee terminations.

Manage, direct and organize major Departmental programs such as training, Emergency Medical Service (EMS) delivery, hazardous material mitigation, emergency preparedness and computer technology; provide technical and administrative staff support to the Fire Chief.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Modern fire suppression, fire prevention, training, EMS delivery, hazardous material mitigation, community emergency preparedness and administrative principles, methods, practices and techniques.

Rules, regulations and operational procedures of the Fire Department related to modern firefighting activities.

Proper utilization and maintenance requirements of fire apparatus, equipment, tools, devices and facilities.

Principles and practices of supervision, training and personnel management.

Effective methods of preparation and presentation of information for and to the public, the City Council, and other community groups.

Technical report writing procedures and procedures for writing proposals and contracts.

Personal computers and relevant software programs.

QUALIFICATIONS (Continued)

Department policies, rules and regulations.

Local geography including the location of water mains and hydrants and the major fire hazards of the City.

Ability to:

Conduct training and demonstrate effective use of equipment and apparatus.

Prepare operational work records and reports.

Properly interpret and make decisions in accordance with laws, regulations and policies.

Develop requests for proposals and contracts.

Appear before the City Council, boards, commissions and numerous civic groups representing the Department.

Make technical and emergency decisions quickly and calmly under emergency conditions.

Plan, assign, supervise and evaluate work of subordinates.

Communicate effectively, both orally and in writing.

Operate personal computers and software to produce spreadsheets, charts, and graphs for presentations and maintaining statistical data.

Supervise, train and evaluate assigned staff.

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:

September, 1996

Experience:

Two years of increasingly responsible experience comparable to that of a Fire Captain.

Training:

Equivalent to an Associate of Arts degree from an accredited college or university with major course work in fire science, fire administration, public administration, business administration or a related field.

License or Certificate

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

FIRE DIVISION CHIEF

DEFINITION

To manage, direct and coordinate the activities of a major division including Support Services and Operations; to coordinate division activities with other divisions and departments; and to provide highly complex staff assistance to the Fire Chief.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from the Fire Chief.

Exercises direct supervision over lower level division staff.

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

Recommend goals and objectives; assist in the development of policies and procedures.

Direct, oversee and participate in the development of the Division work plan; assign work activities, projects and programs; monitor work flow; implement policies and procedures; review and evaluate work products, methods and procedures.

Prepare the Division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Respond to emergencies as required.

Perform related duties as assigned.

EXAMPLES OF DUTIES (Continued)

When assigned to Support Services:

Manage, direct and organize Support Services Division activities, including community emergency preparedness, equipment repair, supply and maintenance, purchasing and budget control, fire station maintenance, mapping and run cards, affirmative action, public information, and other programs as assigned.

Supervise, direct and organize fire prevention activities, including: inspection of residential, commercial, industrial, institutional, public assembly, and public lodging facilities to obtain compliance with all applicable Federal, State and local laws and ordinances; investigation of all fires to determine cause, origin, and damages; investigation of all suspected arson fires to pursue to conclusion; maintenance of records of fire losses, inspections, investigations, fire deaths, and injuries; plan check of building fire suppression and detection systems; inspection and control of hazardous materials; review of annexations and subdivisions; and other programs as assigned.

When assigned to Fire Suppression:

Manage, direct and organize Fire Suppression Division activities, including: Suppression of all fires; abatement of hazardous material incidents; delivery of first responder emergency medical services; department training programs; company fire prevention programs; communications; personnel coordination; fire hydrant maintenance; and other programs as assigned.

QUALIFICATIONS

Knowledge of:

Budgeting procedures and techniques.

Principles and practices of supervision, training and personnel management.

Modern principles of Fire Department administration.

Modern principles and practices of fire suppression.

Use and maintenance of fire fighting equipment and apparatus.

Safe work practices.

QUALIFICATIONS (Continued)

Effective methods of preparation and presentation of information for and to the public, the City Council, and other community groups.

Technical reports writing procedures and procedures for writing proposals and contracts.

Personal computers and relevant software programs.

Ability to:

Organize, direct and implement a variety of division programs.

Handle delicate and confidential information and matters.

Prepare and administer a budget.

Supervise, train and evaluate assigned staff.

Develop requests for proposals and contracts.

Appear before the City Council, boards, commissions and numerous civic groups representing the Department.

Operate personal computers and software to produce spreadsheets, charts, and graphs for presentations and maintaining statistical data.

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:

One year of increasingly responsible experience comparable to that of a Fire Battalion Chief.

Experience and Training Guidelines (Continued)

Training:

Equivalent to an Associate of Arts degree from an accredited college or university with major course work in fire science, public administration, business administration or a related field.

License or Certificate

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-515

A RESOLUTION AMENDING EXHIBITS "C" AND "D" OF RESOLUTION NO. 96-366 TO AMEND THE CLASS RANGE TABLES FOR FIRE BATTALION CHIEF AND FIRE DIVISION CHIEF PURSUANT TO THE FIRE OFFICER REORGANIZATION PLAN BEGINNING OCTOBER 1, 1996.

WHEREAS, issues associated with the payment of overtime to employees who are considered to be exempt under the Fair Labor Standards Act (FLSA) has required the elimination of payment of overtime to management employees, and

WHEREAS, currently, the position of Battalion Chief within the Fire Department is the only exempt management position to receive any type of overtime pay, and

WHEREAS, pursuant to the provisions of FLSA, the need and opportunity has arisen to continue with previous efforts to reorganize the Chief Officer ranks of the Fire Department, and

WHEREAS, the Council of the City of Modesto desires to amend Exhibits "C" and "D" of Resolution No. 96-366 to implement the Fire Officer Reorganization Plan beginning October 1, 1996,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 96-366. Exhibits "C" entitled "City Of Modesto Class Range Table Fire Management Classes Effective June 25, 1996", and "D" entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 96-97 Effective

6/25/96", attached to Resolution No. 96-366, are hereby amended as shown on the amended Exhibit "C" entitled, "City Of Modesto Schedule Of Salary Ranges In City Service For FY 96-97 Amended effective October 1, 1996", and the amended Exhibit "D" entitled, "City Of Modesto Schedule Of Salary Ranges In City Service For FY 96-97 Amended effective October 1, 1996", which are attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "C" and amended Exhibit "D" establish new salary ranges for Fire Battalion Chief and Fire Division Chief, respectively, pursuant to said Fire Officer Reorganization Plan beginning October 1, 1996.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 1, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1996, 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

(SEAL)

APPROVED AS TO FORM:

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

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
 Amended effective October 1, 1996

SCHEDULE - Y
 FIRE MANAGEMENT - 99.12 HRS
 BATTALION CHIEF
 HOURLY

Range	1	2	3	4	5	6	7	8	9
HOURLY									
812	22.9754	23.5498	24.1385	24.7420	25.3606	25.9946	26.6445	27.3106	27.9934
813	23.5498	24.1385	24.7420	25.3606	25.9946	26.6445	27.3106	27.9934	28.6932
814	24.1385	24.7420	25.3606	25.9946	26.6445	27.3106	27.9934	28.6932	29.4105
815	24.7420	25.3606	25.9946	26.6445	27.3106	27.9934	28.6932	29.4105	30.1458
816	25.3606	25.9946	26.6445	27.3106	27.9934	28.6932	29.4105	30.1458	30.8994
817	25.9946	26.6445	27.3106	27.9934	28.6932	29.4105	30.1458	30.8994	31.6719
818	26.6445	27.3106	27.9934	28.6932	29.4105	30.1458	30.8994	31.6719	32.4637
819	27.3106	27.9934	28.6932	29.4105	30.1458	30.8994	31.6719	32.4637	33.2753
820	27.9934	28.6932	29.4105	30.1458	30.8994	31.6719	32.4637	33.2753	34.1072
821	28.6932	29.4105	30.1458	30.8994	31.6719	32.4637	33.2753	34.1072	34.9599
822	29.4105	30.1458	30.8994	31.6719	32.4637	33.2753	34.1072	34.9599	35.8339
823	30.1458	30.8994	31.6719	32.4637	33.2753	34.1072	34.9599	35.8339	36.7297
824	30.8994	31.6719	32.4637	33.2753	34.1072	34.9599	35.8339	36.7297	37.6479
BI-WEEKLY									
812	2,277.32	2,334.26	2,392.61	2,452.43	2,513.74	2,576.58	2,641.00	2,707.03	2,774.71
813	2,334.26	2,392.61	2,452.43	2,513.74	2,576.58	2,641.00	2,707.03	2,774.71	2,844.07
814	2,392.61	2,452.43	2,513.74	2,576.58	2,641.00	2,707.03	2,774.71	2,844.07	2,915.17
815	2,452.43	2,513.74	2,576.58	2,641.00	2,707.03	2,774.71	2,844.07	2,915.17	2,988.05
816	2,513.74	2,576.58	2,641.00	2,707.03	2,774.71	2,844.07	2,915.17	2,988.05	3,062.75
817	2,576.58	2,641.00	2,707.03	2,774.71	2,844.07	2,915.17	2,988.05	3,062.75	3,139.32
818	2,641.00	2,707.03	2,774.71	2,844.07	2,915.17	2,988.05	3,062.75	3,139.32	3,217.80
819	2,707.03	2,774.71	2,844.07	2,915.17	2,988.05	3,062.75	3,139.32	3,217.80	3,298.25
820	2,774.71	2,844.07	2,915.17	2,988.05	3,062.75	3,139.32	3,217.80	3,298.25	3,380.71
821	2,844.07	2,915.17	2,988.05	3,062.75	3,139.32	3,217.80	3,298.25	3,380.71	3,465.23
822	2,915.17	2,988.05	3,062.75	3,139.32	3,217.80	3,298.25	3,380.71	3,465.23	3,551.86
823	2,988.05	3,062.75	3,139.32	3,217.80	3,298.25	3,380.71	3,465.23	3,551.86	3,640.65
824	3,062.75	3,139.32	3,217.80	3,298.25	3,380.71	3,465.23	3,551.86	3,640.65	3,731.66
MONTHLY									
812	4,953.17	5,077.02	5,203.93	5,334.04	5,467.38	5,604.06	5,744.18	5,887.79	6,035.00
813	5,077.02	5,203.93	5,334.04	5,467.38	5,604.06	5,744.18	5,887.79	6,034.99	6,185.85
814	5,203.93	5,334.04	5,467.38	5,604.06	5,744.18	5,887.79	6,034.99	6,185.85	6,340.49
815	5,334.04	5,467.38	5,604.06	5,744.18	5,887.79	6,034.99	6,185.85	6,340.49	6,499.01
816	5,467.38	5,604.06	5,744.18	5,887.79	6,034.99	6,185.85	6,340.49	6,499.01	6,661.48
817	5,604.06	5,744.18	5,887.79	6,034.99	6,185.85	6,340.49	6,499.01	6,661.48	6,828.02
818	5,744.18	5,887.79	6,034.99	6,185.85	6,340.49	6,499.01	6,661.48	6,828.02	6,998.72
819	5,887.79	6,034.99	6,185.85	6,340.49	6,499.01	6,661.48	6,828.02	6,998.72	7,173.69
820	6,034.99	6,185.85	6,340.49	6,499.01	6,661.48	6,828.02	6,998.72	7,173.69	7,353.04
821	6,185.85	6,340.49	6,499.01	6,661.48	6,828.02	6,998.72	7,173.69	7,353.04	7,536.88
822	6,340.49	6,499.01	6,661.48	6,828.02	6,998.72	7,173.69	7,353.04	7,536.88	7,725.30
823	6,499.01	6,661.48	6,828.02	6,998.72	7,173.69	7,353.04	7,536.88	7,725.30	7,918.41
824	6,661.48	6,828.02	6,998.72	7,173.69	7,353.04	7,536.88	7,725.30	7,918.41	8,116.36

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
Amended effective October 1, 1996

SCHEDULE - Y
 FIRE MANAGEMENT - 99.12 HRS
 BATTALION CHIEF
 HOURLY

Range	1	2	3	4	5	6	7	8	9
-------	---	---	---	---	---	---	---	---	---

HOURLY

825	31.6719	32.4637	33.2753	34.1072	34.9599	35.8339	36.7297	37.6479	38.5891
826	32.4637	33.2753	34.1072	34.9599	35.8339	36.7297	37.6479	38.5891	39.5538
827	33.2753	34.1072	34.9599	35.8339	36.7297	37.6479	38.5891	39.5538	40.5426
828	34.1072	34.9599	35.8339	36.7297	37.6479	38.5891	39.5538	40.5426	41.5562

BI-WEEKLY

825	3,139.32	3,217.80	3,298.25	3,380.71	3,465.23	3,551.86	3,640.65	3,731.66	3,824.95
826	3,217.80	3,298.25	3,380.71	3,465.23	3,551.86	3,640.65	3,731.66	3,824.95	3,920.57
827	3,298.25	3,380.71	3,465.23	3,551.86	3,640.65	3,731.66	3,824.95	3,920.57	4,018.58
828	3,380.71	3,465.23	3,551.86	3,640.65	3,731.66	3,824.95	3,920.57	4,018.58	4,119.05

MONTHLY

825	6,828.02	6,998.72	7,173.69	7,353.04	7,536.88	7,725.30	7,918.41	8,116.36	8,319.27
826	6,998.72	7,173.69	7,353.04	7,536.88	7,725.30	7,918.41	8,116.36	8,319.27	8,527.24
827	7,173.69	7,353.04	7,536.88	7,725.30	7,918.41	8,116.36	8,319.27	8,527.24	8,740.41
828	7,353.04	7,536.88	7,725.30	7,918.41	8,116.36	8,319.27	8,527.24	8,740.41	8,958.93

CITY OF MODESTO
SCHEDULE OF SALARY RANGES IN CITY SERVICE FOR FY 96-97
 Amended effective October 1, 1996

SCHEDULE - E
 MANAGEMENT/CONFIDENTIAL FIRE - 80 hours
 DIVISION CHIEF
 HOURLY

Range	1	2	3	4	5	6	7	8	9
HOURLY									
515	30.1480	30.9017	31.6742	32.4661	33.2778	34.1097	34.9624	35.8365	36.7324
516	30.9017	31.6742	32.4661	33.2778	34.1097	34.9624	35.8365	36.7324	37.6507
517	31.6742	32.4661	33.2778	34.1097	34.9624	35.8365	36.7324	37.6507	38.5920
518	32.4661	33.2778	34.1097	34.9624	35.8365	36.7324	37.6507	38.5920	39.5568
519	33.2778	34.1097	34.9624	35.8365	36.7324	37.6507	38.5920	39.5568	40.5457
520	34.1097	34.9624	35.8365	36.7324	37.6507	38.5920	39.5568	40.5457	41.5593
521	34.9624	35.8365	36.7324	37.6507	38.5920	39.5568	40.5457	41.5593	42.5983
522	35.8365	36.7324	37.6507	38.5920	39.5568	40.5457	41.5593	42.5983	43.6633
523	36.7324	37.6507	38.5920	39.5568	40.5457	41.5593	42.5983	43.6633	44.7549
524	37.6507	38.5920	39.5568	40.5457	41.5593	42.5983	43.6633	44.7549	45.8738
525	38.5920	39.5568	40.5457	41.5593	42.5983	43.6633	44.7549	45.8738	47.0206
526	39.5568	40.5457	41.5593	42.5983	43.6633	44.7549	45.8738	47.0206	48.1961
527	40.5457	41.5593	42.5983	43.6633	44.7549	45.8738	47.0206	48.1961	49.4010
528	41.5593	42.5983	43.6633	44.7549	45.8738	47.0206	48.1961	49.4010	50.6360
BI-WEEKLY									
515	2,411.84	2,472.14	2,533.94	2,597.29	2,662.22	2,728.78	2,796.99	2,866.92	2,938.59
516	2,472.14	2,533.94	2,597.29	2,662.22	2,728.78	2,796.99	2,866.92	2,938.59	3,012.06
517	2,533.94	2,597.29	2,662.22	2,728.78	2,796.99	2,866.92	2,938.59	3,012.06	3,087.36
518	2,597.29	2,662.22	2,728.78	2,796.99	2,866.92	2,938.59	3,012.06	3,087.36	3,164.54
519	2,662.22	2,728.78	2,796.99	2,866.92	2,938.59	3,012.06	3,087.36	3,164.54	3,243.66
520	2,728.78	2,796.99	2,866.92	2,938.59	3,012.06	3,087.36	3,164.54	3,243.66	3,324.74
521	2,796.99	2,866.92	2,938.59	3,012.06	3,087.36	3,164.54	3,243.66	3,324.74	3,407.86
522	2,866.92	2,938.59	3,012.06	3,087.36	3,164.54	3,243.66	3,324.74	3,407.86	3,493.06
523	2,938.59	3,012.06	3,087.36	3,164.54	3,243.66	3,324.74	3,407.86	3,493.06	3,580.39
524	3,012.06	3,087.36	3,164.54	3,243.66	3,324.74	3,407.86	3,493.06	3,580.39	3,669.90
525	3,087.36	3,164.54	3,243.66	3,324.74	3,407.86	3,493.06	3,580.39	3,669.90	3,761.65
526	3,164.54	3,243.66	3,324.74	3,407.86	3,493.06	3,580.39	3,669.90	3,761.65	3,855.69
527	3,243.66	3,324.74	3,407.86	3,493.06	3,580.39	3,669.90	3,761.65	3,855.69	3,952.08
528	3,324.74	3,407.86	3,493.06	3,580.39	3,669.90	3,761.65	3,855.69	3,952.08	4,050.88
MONTHLY									
515	5,245.75	5,376.90	5,511.32	5,649.11	5,790.33	5,935.10	6,083.45	6,235.55	6,391.43
516	5,376.90	5,511.32	5,649.11	5,790.33	5,935.10	6,083.45	6,235.55	6,391.43	6,551.23
517	5,511.32	5,649.11	5,790.33	5,935.10	6,083.45	6,235.55	6,391.43	6,551.23	6,715.00
518	5,649.11	5,790.33	5,935.10	6,083.45	6,235.55	6,391.43	6,551.23	6,715.01	6,882.87
519	5,790.33	5,935.10	6,083.45	6,235.55	6,391.43	6,551.23	6,715.01	6,882.87	7,054.96
520	5,935.10	6,083.45	6,235.55	6,391.43	6,551.23	6,715.01	6,882.87	7,054.96	7,231.31
521	6,083.45	6,235.55	6,391.43	6,551.23	6,715.01	6,882.87	7,054.96	7,231.31	7,412.10
522	6,235.55	6,391.43	6,551.23	6,715.01	6,882.87	7,054.96	7,231.31	7,412.10	7,597.41
523	6,391.43	6,551.23	6,715.01	6,882.87	7,054.96	7,231.31	7,412.10	7,597.41	7,787.35
524	6,551.23	6,715.01	6,882.87	7,054.96	7,231.31	7,412.10	7,597.41	7,787.35	7,982.03
525	6,715.01	6,882.87	7,054.96	7,231.31	7,412.10	7,597.41	7,787.35	7,982.03	8,181.59
526	6,882.87	7,054.96	7,231.31	7,412.10	7,597.41	7,787.35	7,982.03	8,181.59	8,386.13
527	7,054.96	7,231.31	7,412.10	7,597.41	7,787.35	7,982.03	8,181.59	8,386.13	8,595.77
528	7,231.31	7,412.10	7,597.41	7,787.35	7,982.03	8,181.59	8,386.13	8,595.77	8,810.66

MODESTO CITY COUNCIL
RESOLUTION NO. 96-516

A RESOLUTION APPROVING AN OPERATIONAL AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA DEPARTMENT OF TRANSPORTATION TO PROVIDE FOR COMMUNICATION, COORDINATION, COOPERATION, AND COLLABORATION CONCERNING NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NODES) STORMWATER REQUIREMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the operational agreement between the City of Modesto and California Department of Transportation to Provide for Communication, Coordination, Cooperation, and Collaboration Concerning National Pollution Discharge Elimination System (NODES) Stormwater Requirements be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said operational 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 September, 1996, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-517

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. AND MRS. MARK CULLUM FOR THE MCCLURE COUNTRY PLACE CARETAKER'S COTTAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and Mr. & Mrs. Mark Cullum for the McClure Country Place Caretaker's Cottage be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1996, 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

13

MODESTO CITY COUNCIL
RESOLUTION NO. 96-518

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
SUBMIT AN APPLICATION FOR FEDERAL FUNDING
UNDER THE FEDERAL JUVENILE JUSTICE AND
DELINQUENCY PREVENTION ACT OF 1974, JUVENILE
MENTORING PROGRAM (JUMP) FOR A THREE-YEAR
PROJECT.

WHEREAS, City staff has requested authorization to
apply for up to \$190,000 in funding under the Federal Juvenile
Justice and Delinquency Prevention Act of 1974, Juvenile
Mentoring Program (JUMP), for a three-year project, and

WHEREAS, the purpose of the program is to provide
mentors to at-risk youth, and the objectives of this funding are
to promote social and personal responsibility, increase
participation in education, discourage use of drugs and firearms
and other delinquent behavior, discourage gang involvement, and
encourage participation in service and community activities, and

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 an application for Federal
Funding in the amount of \$190,000 for submittal under the Federal
Juvenile Justice and Delinquency Prevention Act of 1974, Juvenile
Mentoring Program (JUMP), for a three-year project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1996, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-519

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EIP ASSOCIATES FOR THE PREPARATION OF A DRAFT EIR FOR BIOSOLIDS LAND APPLICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and EIP Associates for the preparation of a draft EIR for biosolids land application 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 September, 1996, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-520

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT TO PREPARE A FINAL EIR FOR BIOSOLIDS LAND APPLICATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City Manager is authorized to execute a contract to prepare a final EIR for biosolids land application be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of September, 1996, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-521

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF EARL HOWARD JR. FROM THE HUMAN RELATIONS COMMISSION, EFFECTIVE SEPTEMBER 17, 1996

WHEREAS, Earl Howard Jr. was appointed a member of the Human Relations Commission on July 13, 1993; and

WHEREAS, Earl Howard Jr. has tendered his resignation from the Human Relations Commission, effective September 17, 1996; and

WHEREAS, Earl Howard Jr. 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 Earl Howard Jr. 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 Earl Howard Jr. 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 17th day of September, 1996, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-522

A RESOLUTION APPOINTING A MEMBER 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. Mike Krajewski is hereby appointed to the Culture Commission to fill the vacancy created by the resignation of Gene D'Accardo, with a term expiration of January 1, 1997.

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 17th day of September, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-523

A RESOLUTION APPOINTING A MEMBER 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. David Chase is hereby appointed to the Citizens Advisory
Committee, with a term expiration of January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the newly appointed member of the 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 17th day of September, 1996, by
Councilmember Dobbs, who moved its adoption, which motion being duly seconded
by Councilmember Friedman, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-524

A RESOLUTION AUTHORIZING THE CITY MANAGER TO REQUEST FROM THE STATE OF CALIFORNIA, VIA THE COUNTY OF STANISLAUS, THE CITY OF MODESTO'S ALLOCATION OF FUNDS, PURSUANT TO ASSEMBLY BILL 3229, THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES ACT.

WHEREAS, the State Legislature passed, and the Governor signed, Assembly Bill 3229, the Supplemental Law Enforcement Services Act, and

WHEREAS, said act adds Chapter 6.7 (commencing with Section 30061) to Division 3 of title 3 of the Government Code, relating to local government finance, and declaring the urgency, thereof, to take effect immediately, and

WHEREAS, said act appropriates \$100 million, statewide, from sales and use taxes for exclusive funding of front line municipal police services, in accordance with written requests submitted by the chief of police of a city to his or her governing body, convened in public hearing, and

WHEREAS, Paul D. Jefferson, Chief of Police for the City of Modesto, has submitted a report dated September 11, 1996, requesting authorization for the City Manager on behalf of the City of Modesto to request from the State of California, via the County of Stanislaus, the City of Modesto's allocation of \$415,824 for front line municipal police services, as set forth on Exhibit "A", and

WHEREAS, said matter was set for a public hearing of

the Council of the City of Modesto to be held on September 24, 1996, at 4:00 p.m., in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, a duly noticed public hearing to consider said recommendation of the Chief of Police was held at the date and time above-mentioned,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized, on behalf of the City of Modesto, to request from the State of California via the County of Stanislaus, the City of Modesto's allocation of \$415,824 for front line municipal police services, as set forth on Exhibit "A".

BE IT FURTHER RESOLVED that a special fund for accounting and expenditure of said funds shall be established by a separate resolution which shall be adopted concurrently with this resolution, which fund shall be an interest-bearing Supplemental Law Enforcement Services Fund, separate from the General Fund.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Freidman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

**Request to
the Modesto City Council
from Modesto Chief of Police
Paul D. Jefferson
for Expenditure of
the 1996/97 Supplement Law Enforcement Services Monies**

Required Local Match for Eight New Modesto Police Officers Provided by the Federal COPS Program	\$175,000 - \$220,000 (dependent upon the date the federal contract commences)
Five or Six New, Fully Equipped Police Patrol Vehicles @ \$38,000 each	\$190,000 - \$228,000
Crime Prevention Projects (to be determined by Chief of Police)	\$2,000 - \$10,000
Total:	\$415,824

Paul D. Jefferson, Chief of Police
September 18, 1996

Exhibit "A"

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-525**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO ESTABLISH
AN INTEREST-BEARING ACCOUNT CALLED "SUPPLEMENTAL LAW ENFORCEMENT
SERVICES FUND" WITH ESTIMATED REVENUE OF \$415,824**

WHEREAS, the Supplemental Law Enforcement Services Act appropriates \$100 million to Counties statewide for exclusive funding of front line municipal police services; and

WHEREAS, the funding is based upon proportionate population. The total amount allocated to the County of Stanislaus is \$1.3 million with \$415,824 identified for the City of Modesto; and

WHEREAS, under the law, an interest-bearing Supplemental Law Enforcement Services Fund must be established by each county and city receiving funds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as indicated below:

Expenditures:

Transfer to: 040-700-7000-7010	\$205,000
Transfer to: 040-700-7000-7720	\$210,000

Reserve: 040-800-8000-8003	\$ <u>824</u>
----------------------------	---------------

Revenue:

040-510-9510-3502	\$415,824
-------------------	-----------

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 day of September 24, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, 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: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-526

A RESOLUTION ACCEPTING THE BID OF POWER PROVIDERS FOR THE PROJECT TITLED
"AIRPORT CABLE REPLACEMENT"

WHEREAS, the bids received for Airport Cable Replacement" were opened at 11:00 a.m. on September 3, 1996, 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 \$63,627.00 from Power Providers be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Power Providers 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 September, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-527

A RESOLUTION ACCEPTING THE BID OF GEORGE REED INC. FOR THE PROJECT TITLED "SCENIC DRIVE OVERLAY BETWEEN BURNEY STREET AND COFFEE ROAD"

WHEREAS, the bids received for Scenic Drive Overlay Between Burney Street and Coffee Road were opened at 11:00 a.m. on September 10, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works and Transportation Director has recommended that the bid of \$172,229.05 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 24th day of September, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-528

A RESOLUTION REJECTING BIDS FOR FURNISHING IRRIGATION BACKFLOW PREVENTION DEVICES AND RELATED INSTALLATION, OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 11, 1996, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, bids received for Furnishing Irrigation Backflow Prevention Devices and Related Installation, were opened on June 11, 1996; 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 resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for Furnishing Irrigation Backflow Prevention Devices and Related Installation, opened in the office of the City Clerk on June 11, 1996, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for Furnishing Irrigation Backflow Prevention Devices and Related Installation will be held October 16, 1996, at 11:00 a.m., is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

18-16
79

MODESTO CITY COUNCIL
RESOLUTION NO. 96-529

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:

Property Agent

Business Analyst

The job specifications for the classification of Property Agent (Range 438), as shown on the attached Exhibit "A", and Business Analyst (Range 435) 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. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classifications:

Golf Services Manager

Police Corporal

Police Detective

Police Sergeant

The revised specifications for the classification of Golf Services Manager (Range 441), as shown on the attached Exhibit "C", Police Corporal (Range 602), as shown on the attached Exhibit "D", Police Detective (Range 312), as shown on the attached Exhibit "E", and Police Sergeant (Range 610), as shown on the attached Exhibit "F", 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. CLASSIFICATION ABOLISHED. The Position Classification Plan of the City of Modesto is hereby revised to abolish the following classification:

Business Development Officer

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after September 24, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1996, 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, Friedman, McClanahan, Serpa, and Mayor Lang

NOES: Councilmembers: Cogdill

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

PROPERTY AGENT

DEFINITION

To negotiate agreements for the acquisition and purchase of real property for the City; to secure rights-of-way, easements and leases; to manage real property owned by the City; to provide relocation services for individuals displaced by land acquisition; and to assist with the City's business development programs with an emphasis on recruiting and attracting new business and industry, and retention of current business investment.

SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from the Business Development Manager.

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

Negotiate with property owners and their attorneys regarding acquisition of property for municipal purposes.

Prepare contracts and agreements regarding property acquisition for review by the City Attorney.

Confer with administrative or appropriate personnel regarding acquisition policies and strategies, zoning, land use and negotiation problems.

Secure property descriptions, title reports and escrows from appropriate personnel and agencies.

Review appraisals furnished by independent property appraisers; request corrections and changes as necessary.

Negotiate settlements and prepare agreements relative to relocation expense claims for persons displaced by property acquisitions, including securing replacement housing and moving expense bids.

Negotiate damage claims for the loss or relocation of existing improvements.

Lease City-owned property and prepare lease agreements; respond to questions regarding lease information.

Assist other departments in the acquisition of real property; lead and coordinate acquisition activities.

Operate the City's small business loan programs.

EXAMPLES OF DUTIES, Continued:

Consult with Finance Department regarding rentals and assist in efforts to keep rental payments current.

Maintain contact with other jurisdictions and outside agencies.

Perform research and gather data; prepare a variety of reports and documents.

Assist in recruitment and retention activities for the office.

Perform related duties as assigned.

QUALIFICATIONS

KNOWLEDGE OF:

Laws relating to land acquisition, improvements, condemnation, real property, real estate transactions, title searches and rights-of way.

Property values and effect of economic trends on value and price.

Federal, State and local laws governing the displacement of persons due to property acquisitions.

Effects of construction and the cost of improvement on property values.

Deed and tract restrictions, zoning ordinances, setbacks, tax and improvement assessments, easements, and encroachments on property values.

Established standards governing the appraisal of real property.

Principles and practices of property description, management, and leasing procedures.

Principles and practices of revolving loan programs.

Ability to:

Successfully negotiate the acquisition of property.

Prepare lease and contract agreements; manage, operate and lease properties owned by the City.

QUALIFICATIONS, Continued:

Coordinate property acquisition, rental and leasing activities with other City departments and public agencies.

Gather and analyze a variety of complex data; prepare comprehensive written and oral reports.

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:

Four years of increasingly responsible experience in negotiation, valuation, transfer, and management of real property or related experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business administration, economics, engineering or a related field.

BUSINESS ANALYST

DEFINITION

Under administrative direction, performs activities which promote the City's economic development and redevelopment efforts with emphasis on the recruiting and attracting new business and industry, the creation and management of information, and the retention of current business investments.

SUPERVISION RECEIVED AND EXERCISED:

Receives general direction from the Business Development Manager.

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

Assist in the recruitment of business prospects, assist them in the setting and permitting of their businesses both within the redevelopment area and citywide.

Work with existing businesses, both in the redevelopment area and citywide, to protect and expand their investments in the local economy.

Develop and manage databases pertinent to business retention and recruitment efforts.

Create and analyze proformas and other financial documents.

Analyze business loan and grant requests.

Assist in the negotiation and, preparation of documents such as disposition and development agreements, owner participation agreements, contract, resolutions, and requests for proposals/qualifications.

Assist in coordinating the City's and Redevelopment Agency's business development activities with other public and private agencies, including the rest of the City organization.

EXAMPLES OF DUTIES, Continued

Participate in the development and implementation of the City's and Redevelopment Agency's budgets.

Participate in the development and implementation of division goals, objectives, policies and priorities.

Research redevelopment and economic development problems and solutions and prepare a variety of comprehensive reports.

Perform related duties and responsibilities, as required.

QUALIFICATIONS

KNOWLEDGE OF:

Principles and practices of community development, redevelopment, and real estate.

Methods for financing buildings, sites, and equipment.

Community characteristics including planning, zoning, schools, budgets, recreational facilities, and civic attractions.

Marketing and financing techniques.

Statistical methods used for management analysis.

Property values and effect of economic trends on value and price.

Effects of construction and the cost of improvements on property values.

Principles and practices of public relations.

Ability to:

Prepare various contracts, leases, agreements, loans, and rebates

Gather and analyze a variety of complex data, including economic studies, financial statements, marketing studies, plans, and specifications; prepare comprehensive written and oral reports.

Negotiate and manage contracts with consultants and developers.

QUALIFICATIONS, Continued:

Identify and respond to community and City Council issues, concerns, and needs.

Be persuasive in marketing and selling the City to prospective businesses and industries.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain cooperative working relationships with those contacted in the course of work, including a variety of City and other government officials, consultants, realtors, community groups, business owners, and the general public.

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 in business and community development, redevelopment project management, management of economic development information, or real estate finance and development.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in business or public administration, economics, engineering or a closely related field.

License:

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

GOLF SERVICES MANAGER

DEFINITION

To manage the activities of the City's golf program, including contract management services for the maintenance and operation of the City Golf Courses, the food concessions and the golf professional; to coordinate golf activities with other divisions and departments and the general public and to provide highly complex staff assistance to the Parks and Recreation Director.

SUPERVISION RECEIVED AND EXERCISED

Receive general direction from the Director or an Assistant Director of Parks and Recreation.

Exercise administration over contract services to insure contract compliance; supervise clerical personnel; coordinate, marketing and promotions and technical activities. May exercise supervision over supervisory and/or maintenance staff.

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

Prepare and administer the annual operating and capital improvement budgets for the City's golf enterprise fund, including revenue accounts.

Manage the financial aspects of the golf fund including revenue projections, detailed financial reports and analysis.

Compile and present regular reports on golf course usage and revenues; make recommendations on changes to the Golf proforma and/or rate structures.

Administer the golf professional agreement including starting duties and driving ranges, receiving and accounting for all City monies and all other activities in connection with the City's interest in the starter, driving range, marshalling program and clubhouse operations.

Administer food concession agreements including monitoring performance and operation of those agreements.

Administer the agreement for maintenance and operation activities of the golf courses including monitoring performance standards, compliance with terms and operations.

Administer other outside and internal forces performing repairs and maintenance to golf course facilities.

September, 1996

EXAMPLES OF DUTIES, Continued:

Manage the computerized golf management system.

Make regular inspection tours of all golf facilities to determine adequacy of maintenance. Direct changes and improvements as necessary and take corrective action if needed.

Prepare, review and/or recommend plans for the modification and improvement of tees, greens, fairways, cart paths, roadways, parking lots, buildings and other golf course assets.

Direct marketing and promotional activities for the golf courses.

Prepare news releases, newsletters, information bulletins and special announcements; arrange publicity programs.

Prepare and administer the annual work program for the golf division.

Coordinate the city golf program with school and golf club programs and meet regularly with these groups to discuss changes in rules, use or City policies.

Provide staff support to the Modesto Golf Courses Committee.

Act as a liaison to Golf Clubs who are affiliated with the Modesto Golf Courses.

Review, investigate and respond to inquiries and complaints.

Make frequent oral presentations.

Perform related duties as required.

QUALIFICATIONS

Knowledge of:

Material, methods, technical practices and equipment used in golf course operations.

Levels and types of maintenance and repair activities generally performed in a golf course maintenance operation.

Principles and practices of contract negotiation and management.

September, 1996

Knowledge of, Continued:

Principles and practices of supervision, training and personnel management.

Methods used in the maintenance of golf courses, including the care and maintenance of grass, greens, turf diseases, chemicals, integrated pest management concepts and turf conditions including diseases.

Budgeting procedures and techniques.

Marketing and promotion techniques.

Current research methods and statistics.

Record keeping and reporting procedures.

Golf professional industry.

Food and concession industry related to golf courses.

Computer applications specifically related to golf activities and necessary for the completion of complex analytical and statistical reports.

Ability to:

Administer and manage contract services performing maintenance and operation activities, golf professional activities and food and concession activities on golf courses.

Prepare and monitor a budget; provide periodic reports on status of the golf enterprise fund; identify areas differing from the budget plan.

Communicate clearly, concisely and effectively, both orally and in writing.

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

Conduct studies, prepare comprehensive reports including the preparation of financial statements.

Understand and apply pertinent laws, rules and regulations.

Experience

Five (5) years of progressively responsible experience involving golf course activities, including supervisory experience over both maintenance, concession and golf professional activities.

Class A status or comparable as designated by the Golf Course Superintendent's Association (GCSA), Professional Golf Association (PGA), or Ladies Professional Golf Association (LPGA) is considered highly desirable.

Education

Equivalent to graduation from an accredited four year college or university with major course work in horticulture, agronomy or a related field and other course work in business management and/or marketing.

License or Certificate

Possession of, or ability to obtain, a valid Class 3 driver's license issued by the California Department of Motor Vehicles at time of appointment.

Certification as a Certified Golf Course Superintendent as designated by the Golf Course Superintendent's Association is desirable.

Based on the needs of the City, a Pesticide Applicators Certificate issued by the State of California may be required within a reasonable period of time after appointment.

POLICE CORPORAL

DEFINITION

To assist in daily supervision of a larger unit or squad or to independently supervise a smaller unit or squad; to supervise field operations in the absence of a Sergeant; to train staff; to supervise and personally perform investigation, patrol and traffic duties; and to perform a variety of community relations, administrative and technical duties in support of the department.

SUPERVISION RECEIVED AND EXERCISED

Receives supervision from higher level supervisory and management staff.

Exercises direct and indirect supervision over subordinate sworn and nonsworn personnel.

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

Supervise and direct the activities of officers assigned to field patrol; provide technical and administrative direction to personnel on an assigned shift; assume full command of a squad in the absence of a Sergeant; maintain discipline and ensure that rules and policies are followed.

Respond to major crimes, accident scenes and emergencies; assume initial command; contact and advise Sergeant or Watch Commander.

Plan, organize and direct activities of officers assigned to police investigations, traffic enforcement, special units or programs and other activities; provide technical and administrative direction to assigned personnel.

Review the work of departmental personnel to ensure compliance with department policies and procedures; review reports submitted by officers to verify completeness and the meeting of prescribed standards.

Periodically meet with subordinate officers on shift; follow up on problems and complaints.

Supervise and participate in the investigation of fatality and serious injury accidents, crime scene investigations, and criminal investigations; ensure collection, preservation, and proper handling of physical evidence and property.

EXAMPLES OF DUTIES (Continued)

Supervise and participate in all normal shift duties as assigned, including enforcing local and State laws, issuing citations, making arrests, preparing and executing search warrants, administering first aid and transporting offenders.

Serve as field training officer for departmental personnel; advise and instruct sworn and nonsworn staff regarding applicable policies, procedures and tactics.

Maintain liaison with other departments and divisions, outside agencies and organizations and members of the media.

Provide input into the selection of staff; participate in evaluating staff performance; work with employees to correct deficiencies; implement procedures.

Recommend and assist in the implementation of goals and objectives; establish schedules and methods for providing effective services and support in assigned area of responsibility; implement policies and procedures.

Research and analyze information; prepare a variety of correspondence, and statistical and narrative reports.

Respond to inquiries from the general public, press media and outside agencies.

Represent the Department at civic organizations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Police methods and procedures related to patrol, traffic control, and investigation and identification techniques.

Departmental rules and regulations.

Criminal law with particular reference to the apprehension, arrest, and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the search and seizure and the preservation of evidence in traffic and criminal cases.

QUALIFICATIONS (Continued)

Knowledge of:

Principles and practices of supervision, training and performance evaluation.

Ability to:

Supervise and direct assigned area of responsibility.

Supervise, train and evaluate assigned staff.

Gather, assemble, analyze, evaluate and use facts and evidence.

Analyze situations and adopt effective courses of action.

Interpret and apply laws and regulations.

Use and care for firearms.

Demonstrate powers of observation and memory.

Communicate effectively, both orally and in writing.

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

Learn and use a 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:

Three years increasingly responsible full-time sworn law enforcement experience with Modesto Police Department. (Two of these years of experience with MPD must be at time of final filing. The full three years experience with MPD must be completed by the time of appointment.)

Experience and Training Guidelines (Continued)

Training:

Equivalent to the completion of 45 semester units from an accredited college or university with major course work in police science, law enforcement, criminal justice or a related field.

An Associate of Arts degree is desirable.

License or Certificate

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

Possession of a P.O.S.T. Basic Certificate.

DETECTIVE

DEFINITION

To perform law enforcement and crime prevention work; 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.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from higher level supervisory and management staff.

Exercises functional and technical supervision over sworn and nonsworn personnel.

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

Collect, process, photograph and present evidence using scientific techniques including fingerprints, fibers, blood, and related physical evidence.

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.

Contact and interview victims and witnesses; preserve and investigate crime scenes.

Conduct covert, undercover investigations as assigned.

Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses.

Assist in the performance of special investigative and crime prevention duties as required.

Prepare reports on arrests made, activities performed and unusual incidents observed.

EXAMPLES OF DUTIES (Continued)

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 arrest and search warrants within the department and with outside agencies; remain current on laws and procedures required for processing warrants.

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.

Gather crime related intelligence information and conduct background investigations; coordinate information and activities with outside agencies and jurisdictions.

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.

Operate applicable computer systems; enter and retrieve information; assess bank records.

Conduct personnel recruitment background investigations; interview potential job candidates and references; administer voice stress analysis tests.

Act as Department court liaison.

Give oral presentations at schools, clubs and other community organizations.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Police methods and procedures including investigation and identification techniques.

QUALIFICATIONS (Continued)

Knowledge of:

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.

Offensive and defensive weapons nomenclature and theory.

Self defense tactics.

Interviewing and interrogation techniques.

Ability to:

Analyze situations quickly and objectively, and determine and take emergency 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.

Learn standard broadcasting procedures of a police radio system.

Learn to prepare search warrants.

Meet the physical requirements established by the Department.

Learn to cultivate well placed informants in the civilian population.

Use and care for firearms.

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:

Three years of increasingly responsible full-time sworn law enforcement experience with Modesto Police Department. (Two of these years of experience with MPD must be at time of final filing. The full three years experience with MPD must be completed by the time of appointment.)

Training:

Equivalent to the completion of the twelfth grade supplemented by specialized training in police science, criminology or a related field. An Associate of Arts degree is desirable.

License or Certificate

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

Possession of a P.O.S.T. Basic Certificate.

POLICE SERGEANT

DEFINITION

To plan, supervise and direct the operations of a large or complex police squad or unit; to supervise police field operations on an assigned shift; and to perform a variety of community relations, administrative and technical duties in support of the department.

SUPERVISION RECEIVED AND EXERCISED

Receives direction from higher level supervisory and management staff.

Exercises direct and indirect supervision over subordinate supervisory, sworn and nonsworn personnel.

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

Plan, supervise and direct the activities of personnel assigned to Field Operations, Investigative Services, Administrative Services, and other units, programs and activities; provide overall technical and administrative direction to assigned personnel; maintain discipline and ensure that rules and policies are followed; advise and counsel subordinate officers; follow up on problems and complaints.

Assume command at major crimes, accident scenes and emergencies; supervise crime scene and fatality or serious injury accident investigations; ensure proper collection, preservation, and handling of physical evidence and property; supervise criminal investigations including crimes against persons and property, narcotics, juvenile offenses, and related felony crimes.

Participate in the selection of staff; review and evaluate staff performance; work with employees to correct deficiencies; recommend and implement disciplinary actions; recommend and implement individual and unit goals and objectives; establish schedules and methods for providing effective services and support in assigned area of responsibility; implement policies and procedures.

Review the work of departmental personnel to ensure compliance with department policies and procedures; review reports submitted by officers to verify completeness and the meeting of prescribed standards; coordinate allocated resources to accomplish assigned functions.

EXAMPLES OF DUTIES (Continued)

Plan, coordinate, and supervise traffic control activities for special events, parades, and street closures; coordinate selective traffic enforcement program; oversee parking enforcement activities.

Analyze crime and traffic patterns and trends; evaluate operations and activities of assigned responsibilities; recommend and implement improvements and modifications; prepare correspondence; prepare and present a variety of statistical and narrative reports.

Maintain liaison with other departments and divisions, outside agencies and organizations and members of the media; respond to inquiries from the general public, press media and outside agencies; represent the Police Department at civic organizations and events.

Receive, investigate and respond to citizen complaints related to Department activities.

Oversee training activities for departmental personnel; advise and instruct sworn and nonsworn staff regarding applicable policies, procedures and tactics.

Act as Watch Commander or other unit Commander as assigned.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles and practices of supervision, training and performance evaluation.

Police methods and procedures related to patrol, traffic control, and investigation and identification techniques. Departmental rules and regulations.

Criminal law with particular reference to the apprehension, arrest, and custody of persons committing misdemeanors and felonies, including rules of evidence pertaining to the search and seizure and the preservation of evidence in traffic and criminal cases.

Budgeting procedures and techniques.

QUALIFICATIONS (Continued)

Ability to:

Supervise, train and evaluate assigned staff.

Supervise and direct assigned area of responsibility.

Gather, assemble, analyze, evaluate and use facts and evidence.

Analyze situations and adopt effective courses of action.

Interpret and apply laws and regulations.

Use and care for firearms.

Demonstrate powers of observation and memory.

Communicate effectively, both orally and in writing.

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

Learn and use a computer.

Administer a budget.

Experience and Training Guidelines

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

Experience:

Three years of of increasingly responsible full-time sworn law enforcement experience with Modesto Police Department. (Two of these years of experience with MPD must be at time of final filing. The full Three years experience with MPD must be completed by the time of appointment.)

Training:

Equivalent to the completion of 60 college semester units with major course work in police science, law

TRAINING (Continued)

enforcement, criminal justice or a related field.
An Associate of Arts degree is desirable.

License or Certificate

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

Possession of a P.O.S.T. Intermediate Certificate.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-530

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 96-366 TO APPROVE A REVISED
CLASS RANGE TABLE FOR MANAGEMENT AND
CONFIDENTIAL NON-SWORN CLASSES.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 96-366. Exhibit
"A" entitled "City Of Modesto Class Range Table Management And
Confidential Non-Sworn Classes Effective June 25, 1996", attached
to Resolution No. 96-366, 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 24, 1996",
which is attached hereto and made a part hereof as though set forth
in full herein. Said amended Exhibit "A" adds Business Analyst
(Range 435) and Property Agent (Range 438) to the Class Range
Table, and deletes Business Development Officer.

SECTION 2. EFFECTIVE DATE. This resolution shall become
effective on and after September 24, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1996, 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, Friedman, McClanahan, Serpa, and Mayor Lang

NOES: Councilmembers: Cogdill

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
MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES

Effective September 24, 1996

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	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Systems Analyst
Custodian Supervisor

424 Assistant Planner
Asst. City Clerk/Auditor

425 Administrative Analyst I
Executive Assistant
Legal Services Supervisor

426 Stores Manager
Museum Supervisor

427 Events Supervisor

428 Parks Maintenance Supervisor I
Airport Maintenance Supervisor
Trees Maintenance Supervisor I
Equipment Maintenance Supervisor I
Social Services Coordinator
Buyer
Accountant II
Budget Analyst
Public Works Supervisor I
Building Maintenance Supervisor
Customer Services Specialist

429

430 Associate Planner
Parks Construction Supervisor I
Junior Civil Engineer
Junior Traffic Engineer
Neighborhood Preservation Supervisor

431 Administrative Analyst II
Affirmative Action Officer
Personnel Analyst
Training Coordinator
Assistant Risk Manager
Recycling Program Coordinator
Senior Budget Analyst

432 Plant Mechanic Supervisor
Recreation Supervisor II
Senior Accountant
Youth Program Supervisor
Industrial Waste Supervisor
Historical Buildings Supervisor

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

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

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

441 Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Superintendent
Parks Operations Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Fleet Manager
Urban Forestry Superintendent
Wastewater Collections Superintendent
Water Superintendent
Building Maintenance Superintendent
Police Records Manager
Fire Marshal
Golf Services Manager

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

443 Deputy Chief Bldg. Official

444 General Services Manager
Water Quality Control Supt.
Principal Planner

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

446 Senior Civil Engineer
Traffic Engineer

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

448 Sr. Deputy City Attorney II

449

Class Range Table

Management and Confidential Non-Sworn Class

Page 5

450 Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation

451

452 Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-531

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR THE ACQUISITION OF 0.112 ACRES OF RIGHT-OF-WAY TO WIDEN YOSEMITE BOULEVARD EAST OF CLAUS ROAD

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 0.112 acres of right-of-way to widen Yosemite Boulevard east of Claus Road for the appraised value of \$3,000.00 be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-532

A RESOLUTION APPROVING AN AGREEMENT FOR LEGAL SERVICES BETWEEN THE CITY OF MODESTO AND HANNA, BROPHY, MACLEAN, MCALEER AND JENSEN FOR WORKERS' COMPENSATION LITIGATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for legal services between the City of Modesto and Hanna, Brophy, MacLean, McAleer and Jensen for workers' compensation litigation be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of September, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-533

A RESOLUTION APPOINTING A MEMBER TO THE AIRPORT ADVISORY COMMITTEE

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

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

SECTION 1. Jack Hinkle is hereby appointed to the Airport Advisory Committee, 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 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 24th day of September, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-534

Corrected
11/15/96

A RESOLUTION ADOPTING THE ANNUAL PERFORMANCE REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAMS FOR FISCAL YEARS 1995 AND 1996, AND AUTHORIZING FORWARDING THE REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, in May 1995, the City Council adopted the Consolidated Plan for Housing and Community Development, and

WHEREAS, the Office of Housing and Neighborhoods of the Community Development Department operate the CDBG and HOME programs, and

WHEREAS, regulations for those programs require that the City review and submit to the U.S. Department Of Housing And Urban Development (HUD) an Annual Performance Report for Fiscal Years 1995 and 1996, and

WHEREAS, the Citizens Housing and Community Development Committee met and considered the Annual Performance Report at its September 20, 1996, meeting, and recommended adoption of said report as reflected in the final version of said document,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Community Development Block Grant Program (CDBG) and the Home Investment Partnership Program (HOME) Annual Performance Report for Fiscal Years 1995 and 1996, a copy of which is on file in the office of the City Clerk, (July 1, 1995, through June 30, 1996) is hereby adopted and approved for forwarding to HUD.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-534

A RESOLUTION ADOPTING THE ANNUAL PERFORMANCE REPORT FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAMS FOR FISCAL YEARS 1995 AND 1996, AND AUTHORIZING FORWARDING THE REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, in May 1985, the City Council adopted the Consolidated Plan for Housing and Community Development, and

WHEREAS, the Office of Housing and Neighborhoods of the Community Development Department operate the CDBG and HOME programs, and

WHEREAS, regulations for those programs require that the City review and submit to the U.S. Department Of Housing And Urban Development (HUD) an Annual Performance Report for Fiscal Years 1995 and 1996, and

WHEREAS, the Citizens Housing and Community Development Committee met and considered the Annual Performance Report at its September 20, 1996, meeting, and recommended adoption of said report as reflected in the final version of said document,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Community Development Block Grant Program (CDBG) and the Home Investment Partnership Program (HOME) Annual Performance Report for Fiscal Years 1995 and 1996, a copy of which is on file in the office of the City Clerk, (July 1, 1995, through June 30, 1996) is hereby adopted and approved for forwarding to HUD.

BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute any and all documents that might be required in relation to this matter.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-535

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF
ELECTRODIALYSIS FILTER EQUIPMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of Electrodialysis Filter Equipment from Asahi Glass America Inc., and the supervision of the installation by the Palmyra Group Inc. is hereby waived.

BE IT FURTHER RESOLVED that purchase of electrodialysis filter equipment from Asahi Glass American Inc., and the supervision of the installation by the Palmyra Group Inc. for a not to exceed price of \$81,918.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-536

A RESOLUTION DECLARING "522 CLUB" AND "CLUB EXPOSE" TO BE PUBLIC NUISANCES AND DIRECTING THE CITY ATTORNEY TO INITIATE THE APPROPRIATE NUISANCE ABATEMENT ACTION IN STANISLAUS COUNTY SUPERIOR COURT.

WHEREAS, on October 3, 1995, the Council of the City of Modesto duly adopted Ordinance No. 2953-C.S., adding Article 24 to Chapter 2 of Title X of the Modesto Municipal Code pertaining to zoning regulations applicable to adult entertainment businesses and amending Chapter 9 of Title V of the Modesto Municipal Code relating to adult entertainment businesses, and

WHEREAS, said ordinance became effective on October 4, 1995, and

WHEREAS, among other things, the ordinance requires that adult entertainment businesses be restricted to the M-1 and M-2 zones of the City of Modesto. The ordinance also requires that adult entertainment businesses and live performers in adult entertainment businesses obtain permits, and

WHEREAS, in November, 1995, shortly after the effective date of the ordinance, representatives of the Modesto City Attorney's Office and the Modesto Police Department met with the owners and/or managers of the bars known as "522 Club" and "Club Expose". The owners and/or managers were advised of the provisions of the new ordinance, given copies thereof and shown a video of what was considered to be violations under the ordinance. At that time the owners of those two businesses

indicated that they would refrain from the activities (generally female "exotic" dancers who performed semi-nude and who engaged in simulated sex acts) that would bring them within the definition of an adult entertainment business as that term was defined under the new ordinance. The owners indicated that they would become "bikini bars"; i.e., the dancers would wear tops or full cover "pasties" and refrain from simulating sex acts during their performances to avoid the application of the ordinance, and

WHEREAS, as a result of an investigation conducted by the Modesto Police Department during the months of July and August, 1996, it has been determined (as more fully set forth in a report from the City Attorney to the City Council dated September 24, 1996, a copy of which is attached hereto and incorporated herein by this reference) that the owners, managers, and dancers at the "522 Club" and "Club Expose" have engaged in a regular and substantial course of unlawful conduct in violation of the ordinance.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City Modesto finds the unlawful operation of the "522 Club" and "Club Expose" in violation of Article 24 of Chapter 2 of Title X of the Modesto Municipal Code and Chapter 9 of Title V of the Modesto Municipal Code to be a public nuisance, as authorized by Charter Section 1602 and Modesto Municipal Code Section 1-2.01, in that said conditions are injurious and dangerous to the health and welfare of the citizens comprising this City, and that said conditions negatively affect the entire community of Modesto.

BE IT FURTHER RESOLVED that the City Attorney is hereby directed to immediately commence such actions as he deems necessary, to cause the abatement and termination of the aforesaid public nuisance and to enjoin the continuance and maintenance of said nuisance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1996, 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: 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 FORM:

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



CITY OF MODESTO
AGENDA REPORT

AGENDA ITEM NO.
COUNCIL MEETING:

10/1/96

Date: September 24, 1996

TO: Mayor and Councilmembers
FROM: City Attorney
SUBJECT: Resolution Declaring Two Bars, "522 Club" and "Club Expose", to be Public Nuisances

RECOMMENDED COUNCIL ACTION:

Consider adoption of a resolution declaring two bars known as "522 Club" and "Club Expose" to be public nuisances and directing the City Attorney to initiate abatement actions in Stanislaus County Superior Court. (Copy attached)

BACKGROUND AND REASONS FOR RECOMMENDED ACTION:

Last September, the Modesto City Council adopted a comprehensive ordinance regulating adult entertainment businesses. The ordinance added Article 24 to Chapter 2 of Title X of the Modesto Municipal Code and amended Chapter 9 of Title V of the Modesto Municipal Code. Article 24 added zoning regulations that were specifically applicable to adult entertainment businesses and Chapter 9 of Title V established licensing requirements and other regulations that are applicable to adult entertainment businesses. The ordinance became effective in early October, 1995. In November, 1995, representatives of the Modesto City Attorney's office and the Modesto Police Department met with the owners/managers of the "522 Club" and "Club Expose". During the meeting, the owners and/or managers were advised of the provisions of the new ordinance, given copies of the new ordinance, and shown a video of what were considered violations under the ordinance. The owners indicated that they would cease any activities (female "exotic" dancers performing partially nude and engaging in simulated sex acts) that would bring their businesses within the definition of an adult entertainment business as defined in the new ordinance. In order to avoid the application of the new ordinance, the owners indicated that they would become "bikini bars"; i.e., where the dancers would wear tops or full cover "pasties" and refrain from engaging in simulated sex acts, thereby avoiding the application of the new ordinance to their businesses.

Since then, the Modesto Police Department received information regarding the ongoing performances in the "522 Club" and "Club Expose" indicating that they have provided live entertainment by female dancers that has been in violation of both the City's new adult entertainment ordinance and various alcoholic beverage control regulations. There were allegations that the performances included the showing of breasts, showing of pubic hair, simulated sex acts, touching of the breasts, buttocks, and genitals. During the months of June and July, 1996, the Modesto Police Department conducted an investigation. The investigation disclosed a regular and substantial course of unlawful conduct allowed or encouraged by the owners and/or managers of these two businesses.

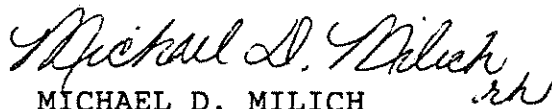
The violations observed by the officers conducting the investigation include the following, all of which are either a violation of the Modesto Municipal Code, various ABC rules, or both:

1. Permitting dancers to simulate sexual intercourse, and other sex acts.
2. Permitting dancers to touch, caress or fondle their breasts, buttocks, anus or genitals.
3. Permitting dancers to display pubic hair, anus, vulva or genitals.
4. Permitting displays of breast and cleft of buttocks to occur within six feet of the nearest patron.
5. Employees soliciting drinks in an on-sale premise (522 Club only). Serving alcohol to minors in a public premise (minor dancers drinking -- 522 Club, minor patron drinking -- Club Expose).
6. Employment of minors in a public premise (18 to 19 year old exotic dancers -- 522 Club only).
7. Dancers simulating sex acts soliciting tips from patrons.
8. Dancers simulating sex acts on stage while alcohol is being served.
9. Dancers appearing semi-nude within 10 feet of a patron.
10. Owning, operating and maintaining an adult entertainment business in the wrong zone.
11. Operating, owning or maintaining an adult entertainment business without a license.
12. Allowing unlicensed dancers to perform live entertainment in an adult entertainment business.

Mayor and Councilmembers
September 24, 1996
Page 3

STEPS FOLLOWING APPROVAL:

Our office will file an appropriate nuisance abatement action in Stanislaus County Superior Court.


MICHAEL D. MILICH
City Attorney

MDM/sw
Attachment
cc: City Manager
Deputy City Manager
Chief of Police

MODESTO CITY COUNCIL
RESOLUTION NO. 96-537

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND ARCHIBALD AND WALLBERG CONSULTANTS TO PROVIDE TECHNICAL ASSISTANCE FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER PERMIT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and Archibald and Wallberg Consultants to provide technical assistance for the National Pollutant Discharge Elimination System (NPDES) stormwater permit be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-538

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC LINES FOR CONSTRUCTION, MAINTENANCE AND OPERATION OF A WATER LINE CROSSING THE SOUTHERN PACIFIC RAILROAD TRACKS NEAR PELANDALE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Southern Pacific Lines for Construction, Maintenance and Operation of a Water Line Crossing the Southern Pacific Railroad Tracks Near Pelandale Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-539

A RESOLUTION APPROVING AN AGREEMENT FOR ARCHITECTURAL DESIGN SERVICES BETWEEN THE CITY OF MODESTO AND GROTHE & SMITH ARCHITECTS FOR THE WASTEWATER COLLECTION MAINTENANCE BUILDING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for architectural design services between the City of Modesto and Grothe & Smith Architects for the wastewater collection maintenance building be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: _____

Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-540

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT FOR ENGINEERING DESIGN SERVICES BETWEEN THE CITY OF MODESTO AND MID-VALLEY ENGINEERING FOR THE YOSEMITE WIDENING FROM MCCLURE TO FRAZINE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement for engineering design services between the City of Modesto and Mid-Valley Engineering for the Yosemite Widening from McClure to Frazine Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of October, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-541

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF ALFRED MENSHEW FROM THE LANDMARK PRESERVATION COMMISSION, EFFECTIVE SEPTEMBER 16, 1996

WHEREAS, Alfred Menshew was appointed a member of the Landmark Preservation Commission on December 13, 1994; and

WHEREAS, Alfred Menshew has tendered his resignation from the Landmark Preservation Commission, effective September 16, 1996; and

WHEREAS, Alfred Menshew 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 Alfred Menshew 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 Alfred Menshew 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 1st day of October, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 96-542

A RESOLUTION DESIGNATING THE FIRST CHURCH OF
CHRIST SCIENTIST AT 1328 H STREET AS A
MODESTO LANDMARK PRESERVATION SITE. (OWNER:
MAVIS SEEMAN)

WHEREAS, Chapter 10 of Title IX of the Modesto
Municipal Code establishes Landmark Preservation Site status as a
way to recognize, preserve, enhance and perpetuate significant
landmarks in the community, and

WHEREAS, a public hearing was held on September 16,
1996, 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. 96-2,
that the First Church of Christ Scientist at 1328 H Street is
eligible for designation as a Landmark Preservation Site for the
following reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation, maintenance, and adaptive use are economically feasible.
3. The distinguishing characteristics of significance are for the most part original and intact and have been restored.
4. The existing and proposed use are compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on October 8,
1996, in the City Council Chambers, City Hall, 801 11th Street,

Modesto, California, the Council found and determined that the First Church of Christ Scientist at 1328 H Street is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the property at 1328 H Street is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the First Church of Christ Scientist at 1328 H Street has architectural and historical significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Architectural significance: Modesto's only remaining public building that reflects the early twentieth century vogue for classical forms.
2. Historical significance: This building was the home of the First Church of Christ Scientist from 1922 to 1973.

BE IT FURTHER RESOLVED that pursuant to Section 9-10.104(e)(1) of the Modesto Municipal Code, the City Clerk shall record a copy of this resolution with the County Recorder's Office of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1996, 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: 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 FORM:

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

LEGAL DESCRIPTION FOR 1328 "H" STREET

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

The East half of Lots 1, 2, 3 and 4 on Block 104 of the CITY OF MODESTO, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 3, 1930 in Volume 12 of Maps.

EXHIBIT "A"

MODESTO CITY COUNCIL
RESOLUTION NO. 96-543

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT) FOR THE WISSNER MEDICAL OFFICE BUILDING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNERS: JOHN AND MARY ELLEN HERTLE)

WHEREAS, John Hertle, owner of the Wissner Medical Office Building at 901 McHenry Avenue received Landmark Site Designation for the building from the City Council on November 14, 1995, and

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, California Government Code Section 50280, et seq., authorizes the City to enter into historical property contracts (Mills Act contracts) 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 the Wissner Medical Office Building 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 September 16, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act contract, by Resolution No. 96-3, the Landmark Preservation Commission recommended to the City Council approval of said contract for the Wissner Medical Office Building, and

WHEREAS, after a public hearing held on October 8, 1996, 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 Wissner Medical Office Building 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) for the Wissner Medical Office Building located at 901 McHenry 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 8th day of October, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

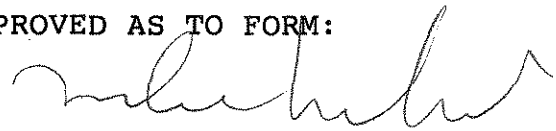
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

166.6

MODESTO CITY COUNCIL
RESOLUTION NO. 96-544

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO OF FORMATION, ESTABLISHING COMMUNITY FACILITIES DISTRICT NO. 1996-1, 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, the City Council (the "Council") of the City of Modesto (the "City"), did, on September 3, 1996 adopt its Resolution No. 96-501 of intention to establish Community Facilities District No. 1996-1 (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. 96-501 (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 and 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, (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 October 8, 1996, 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. 96-501, and

WHEREAS, prior to the hearing a map of the proposed boundaries of the District, entitled "Proposed Boundaries of Community Facilities District No. 1996-1 of the City of Modesto, County of Stanislaus, State of California" (the "Proposed Boundary Map") 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 7, 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 public 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 said Resolution No. 96-501, 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. 96-501, 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, and

WHEREAS, the City Clerk has concurred in the election date herein set forth for the election herein called,

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 public 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. 96-501, a community facilities district is hereby established pursuant to the Act, designated "City of Modesto Community Facilities District No. 1996-1."

SECTION 4.

(a) The Facilities to be financed by the District are set forth in EXHIBIT B hereto and by this reference incorporated herein. EXHIBIT B incorporates the changes to the facilities, as set forth in EXHIBIT B to Resolution No. 96-501, as recommended

in the Report.

(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. 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 to the extent that 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. 96-501, 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) 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, 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 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.

(e) 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.

(f) Notwithstanding the provisions of Subsections (d) and (e) of Resolution No. 96-501, no conditions have been

specified in EXHIBIT A thereto or in this Resolution under which the obligation to pay the special tax may be prepaid and permanently satisfied.

SECTION 8. The description of the proposed voting procedure, as set forth in Resolution No. 96-501, 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) 557-5370

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 said 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 XIII B of the California Constitution, is hereby preliminarily established at \$10,000,000.00, and said annual appropriations limit shall be submitted to the voters of the District as hereafter provided. The proposition establishing said 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 proposition 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 said 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 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 has been 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 October, 1996, the election shall be held on the 15th day of October, 1996, 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. 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 15. The City Clerk, as the designated election official, shall, within three business days after the adoption of this Resolution, obtain a certified copy thereof; 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 16. 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 8th day of October, 1996, 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: 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 FORM:

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

EXHIBIT A

RATE, METHOD OF APPORTIONMENT, AND
MANNER OF COLLECTION OF SPECIAL TAX

EXHIBIT A
RATE, METHOD AND MANNER OF APPORTIONMENT
OF SPECIAL TAX

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 and trails.

"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 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 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 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 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, and (ii) subtracting a portion of the acreage of any arterial right-of-way that fronts the Parcel determined by drawing lines at right angles to the right-of-way.

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
(Fiscal Year 1996-97)

Land Use Class	Description	Per-Acre Special Tax
1	Very Low Density Residential	\$19,214 per Gross Acre
2	Village Residential	\$28,833 per Gross Acre
3	Multi-Family Residential	\$75,073 per Gross Acre
4	Commercial	\$84,597 per Gross Acre
5	Industrial	\$39,748 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 the CFD 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.

EXHIBIT B
LIST OF FACILITIES

EXHIBIT B 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 Sylvan, 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. Jog paths provided in interim.

B. STORM DRAINAGE SYSTEM

The storm drainage system for Village One consists of three basins for detention and retention:

1. **West Basin (9 acres)**: Retention with pump out facilities to Central Basin.
2. **Central Basin (15 acres)**: 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.

EXHIBIT B - DESCRIPTION OF FACILITIES, Cont.

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 Park	7 acres

In addition, 21.3 acres of buffer land for the community park is to be acquired, and a bike trail is to be developed along M.I.D. Lateral No. 3.

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 engineering of the Facilities Master Plan and planning related to the *Village One Specific Plan*, as well as future annual administration costs for the CFD. The City of Modesto will be reimbursed through the CFD for their costs.

G. OPERATIONS AND MAINTENANCE OF PARKS, TRAILS, AND STREET/MEDIAN LANDSCAPING

The City will maintain the community park, Roselle Park, Claus Park, Merle Park, and arterial road street and median 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.

EXHIBIT C
LIST OF SERVICES

EXHIBIT C
DESCRIPTION OF SERVICES

Operations and maintenance of "parks, parkways, and open space," pursuant to Section 53313(d) of the Act, including street landscaping and trails, to the extent that they are in addition to those provided in the territory within the District before the District was created.

EXHIBIT D

Proposition A. Shall Community Facilities District No. 1996-1 of the city of Modesto (the "District") be authorized to finance certain public facilities (the "Facilities") and services (the "Services") for the District, including any incidental expenses related thereto, as provided in EXHIBITS B and C, respectively, to the Resolution of Formation No. 96-____, adopted by the City Council of the City of Modesto on October 8, 1996, which is incorporated herein by this reference, and shall an appropriations limit in the amount of \$10,000,000.00 per fiscal year be established for the District, and shall a special tax with a maximum rate, method of apportionment, and manner of collection be provided in EXHIBIT A to the Resolution of Formation No. 96-____, be levied to finance the Facilities and Services, including any incidental expenses related thereto?

10-6
6

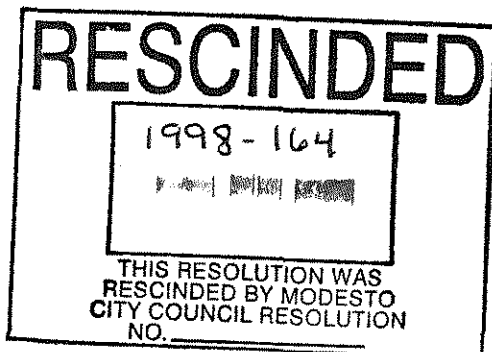
MODESTO CITY COUNCIL
RESOLUTION NO. 96-545

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 the "Policies And Procedures" for the use of Mello-Roos Community Facilities Districts, and

WHEREAS, the City Council has determined that certain amendments to the "Policies And Procedures" are appropriate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the "Policies And Procedures" for the use of Mello-Roos Community Facilities Districts, formerly adopted on September 3, 1996, by Resolution No. 96-501, are hereby amended as set forth in the attached Exhibit "A" entitled, "City Of Modesto Policies And Procedures For Special Assessment And Mello-Roos Community Facilities District Financing" dated October 8, 1996.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1996, 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: 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 FORM:

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

CITY OF MODESTO

POLICIES AND PROCEDURES FOR SPECIAL ASSESSMENT AND MELLO-ROOS COMMUNITY FACILITIES DISTRICT FINANCING

October 8, 1996

EXHIBIT "A"

Public Financial Management, Inc.

CITY OF MODESTO

POLICIES AND PROCEDURES FOR SPECIAL ASSESSMENT AND MELLO-ROOS DISTRICT

FINANCING PROGRAM POLICIES

TABLE OF CONTENTS

	<u>Section</u>
Introduction.....	1
Definitions.....	2
Application Process.....	3
District Costs and Reimbursement Policies.....	4
Use of Consultants.....	5
Eligible Infrastructure and Public Facilities.....	6
Land Use Approvals.....	7
Agreements Required.....	8
The Appraisal Process.....	9
Security: Credit Enhancement.....	10
Value-to-Lien Ratios.....	11
Market Absorption Study.....	12
Special Taxes and Assessments.....	13
Terms and Conditions of Bonds.....	14
Fiscal Feasibility Report.....	15
Disclosure Requirements.....	16
Property Owner Support.....	17
Special Tax Formula.....	18
Acquisition Provisions.....	19
Continuing Disclosure.....	20
Refunding.....	21

I. Introduction

The City of Modesto (the "City") will consider developer or property-owner initiated applications requesting the formation of community facilities districts ("CFDs") and assessment districts ("ADs") 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 or ADs which are initiated by the City). Generally, only regional or community serving public facilities which directly benefit the CFD or LID, such as major streets and arterials, highway improvements and freeways, flood or drainage improvements, sewers, telephone ducts, electrical conduits, water improvements, libraries, fire stations, transit improvements (including public parking facilities), and the provision of services (if applicable) may be eligible for this financing program (for a more complete list see *Infrastructure and Public Facilities* in Section 2. Definitions). Facilities will be financed in accordance with the provisions of the Mello-Roos Community Facilities Act of 1982 as amended and/or the appropriate laws governing the levying of assessments and the issuance of bonds concerning LIDs.

Generally, only improvements directly benefiting the CFD or the LID can be financed with Mello-Roos or assessment district bonds.

The City shall make the determination as to whether a proposed district shall proceed under the provisions of the Mello-Roos Community Facilities Act or the appropriate assessment district laws, and whether the district will be a construction or acquisition district. 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 final determination.

All City and consultant costs incurred in the evaluation of development district applications and the establishment of districts may be paid by the applicant(s) by advance deposits in those instances where a proposed district has been initiated by a party or parties other than the City. The City may incur expenses for analyzing proposed districts where the City is the principal proponent of the formation for financing of the district. Expenses not legally reimbursable by the district shall be borne by the applicant. Both City and district consultant costs can be funded from Bond proceeds regardless of how funding is initially arranged.

2. Definitions

- Acquisition district: a special assessment district or CFD formed to finance the acquisition of infrastructure or public facilities where the applicant/developer will be reimbursed for eligible construction and related costs.
- Bonds: bonds authorized and issued under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Bond Act of 1915, the Improvement Act of 1931, the Mello-Roos Act of 1982, or such other mechanism as is utilized by the City in its discretion to finance the infrastructure and/or public facilities.
- Bond counsel: special counsel retained by the City to assure compliance with applicable federal and state tax and other laws and regulations relating to public financing.
- Bond underwriter: the investment banker(s) retained by the City to design, develop and execute the sale of bonds in the market place.
- City: the City of Modesto.
- City Manager: staff of the City of Modesto Office of the City Manager or City staff he/she may designate.
- City Attorney: City Attorney of the City of Modesto.
- Community Facilities District (CFD): a special district formed pursuant to the Mello-Roos Community Facilities Act of 1982 as amended, to finance specific public improvements or public services, and where properties within the district are levied a special tax in accordance with the rate and method of apportionment adopted as part of the district proceedings.
- District Administrator: consultant retained by the City to administer the CFD or AD in accordance with City ordinances and resolutions.
- 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.
- Fee district: a special district formed to finance specific infrastructure and/or public facilities, and where landowners within the district are assessed a fee, payable at the time of development or permit approval, which fee is proportionate to the benefit received from the infrastructure and/or public facilities. There is no bond financing associated with a fee district.
- Financial Advisor: financial consultant retained by the City to review, comment and advise on financial matters relating to CFDs and ADs.
- Fiscal feasibility report: a study performed under the direction of the City to determine the financial viability of a proposed district.
- Improvement acts: the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Bond Act of 1915, the Improvement Act of 1931 or such other act or ordinance under which the proceedings are conducted, leading to formation of the district.
- 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 under this document, and which are authorized improvements under the improvement act or CFD selected by the City.
- In-tract facilities: public facilities which serve an individual tract development, such as local subdivision streets, local utilities and local drainage systems.
- Special assessment district: an assessment district formed pursuant to an improvement act to finance eligible specified infrastructure and/or public facilities, and where properties within the district are assessed an amount proportionate to the benefit received from the improvements financed.

- Special tax consultant: 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.
- 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.

1. Application Process

Early communication with the City is encouraged to assist applicants in evaluating the feasibility of available financing programs and to discuss program procedures. The following details a typical district application review and application process:

- Application Submission: Applicant/developer shall submit an application to the City together with a non-refundable fee as may be set from time to time. This fee is for the purpose of application processing, and other preliminary costs. The City will conduct an initial evaluation of the application to determine if it is complete and whether additional information is required.
- Project Review: Applicant and the City Manager meet to discuss initial application, including any issues raised and further information that might be required. If necessary, applicant submits revised application. Once the application is accepted by the City Manager, it will be reviewed by a City financing team consisting of City staff determined by the City Manager, based on the needs of the project.
- Analysis and Study: Once the City review team has determined that the proposed district formation and financing application is complete, the City Manager will request the City Council to approve a preliminary feasibility study on the project. This study may be done internally or externally, as the circumstances of the project may dictate. The analysis required in the study will be performed pursuant to this document as a guide.
- Application Processing: Upon the City Engineer's determination that the application package is complete, the application for district formation and project financing, along with his recommendation of additional financing team members or consultants, will be forwarded to the City Council for further action.
- City Council Consideration: The Council grants or denies the application. If approval is granted, the Council directs the City Manager to engage additional consultants, negotiate necessary contracts, and collect additional developer deposits, as necessary.
- Project Initiation: The City Manager and the City's financing team submit contracts, reimbursement agreements, bond documents and other pertinent items for consideration of the City Council, as required.
- Project Implementation: Applicant, the City Manager and consultants meet to determine preliminary project schedule and begin work necessary to complete district formation and financing.

2. District Costs and Reimbursement Policies

- Costs incurred by the City prior to formation: All costs incurred by the City prior to formation of the district, 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/developer prior to formation. Reimbursement shall be facilitated by advance deposit increments in accordance with the agreements required by this policy document. The City may consider as an alternative to a cash reimbursement by the applicant/developer, in-kind improvements which are dedicated to the City, and which have a value at least as great as the identified City costs.
- Costs incurred prior to bond closing: If a district is formed, and if bonds are issued, the City may direct that a portion or all of the City's costs be reimbursed and the consultants costs be paid from bond proceeds.
- Costs incurred by the City subsequent to formation: all City administrative and consultant costs related to administration of the district and incurred after formation shall be included within the assessment or special tax formula in accordance with applicable provisions of law.
- Reimbursement to applicant/developer:

(i) Where district is formed and bonds are issued. If the district is formed and bonds are issued, the applicant/developer shall be entitled to reimbursement from bond proceeds for all reasonable costs and expenses incident to the proceedings and 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 Improvement Acts or the Mello-Roos Community Facilities Act of 1982 as amended. With regard to applicant/developer paid consultant costs, reimbursement shall be limited to those district-related consultants hired by the City or those hired by the developer/applicant and expressly approved by the City. Eligibility for reimbursement for any otherwise-eligible expense is conditioned upon the applicant/developer providing paid invoices therefor to the City, and City approval.

The applicant/developer shall not be entitled to reimbursement from bond proceeds for any of the following reasons: interest expense incurred by the applicant/developer during the planning or design or construction (subject to the exception for construction-related interest expense, set forth below) of the public improvements and any other costs and expenses incurred by the applicant/developer which are not legally authorized for reimbursement, or as to which bond counsel has declined approval for reimbursement.

(ii) Where district is not formed, or where district is formed and bonds are not issued. In the event that the district is not formed due to City disapproval or abandonment, or due to applicant/developer abandonment, or the district is formed and bonds are not issued for any reason, the City will refund to applicant/developer any remaining unexpended and unobligated portion of advance deposits posted with the City, subject to the City's prior and full reimbursement of all its direct and indirect costs. If the applicant/developer'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/developer for the difference. The City shall be entitled to pay any refund to the applicant/developer listed on the application form without interest, irrespective of any changes in the ownership or composition of the applicant/developer.

3. Use of Consultants

The City shall employ any consultants necessary for the formation of a special district, review of the financing, and the issuance and administration of bonds, including but not limited to the underwriter(s) and underwriters' counsel; bond counsel; financial advisor; special tax consultant; engineers; appraiser; district administrator, market absorption study consultant; or any other consultant deemed necessary by the City in its judgment to complete the district proceedings and/or for issuance of bonds. The cost reimbursement provisions of this policy shall apply to all costs and expenses incurred by City in employing such consultants.

An applicant/developer may retain its own consultants for its own benefit, but will work through those consultants hired by the City. If the developer/applicant retains its own consultants, all costs associated therewith shall be borne by the developer/applicant, without reimbursement from bond proceeds unless otherwise agreed to by the City.

4. Eligible Infrastructure and Public Facilities

Infrastructure and public facilities eligible for district financing are those public improvements which benefit properties within a proposed development, and/or will mitigate impacts of that development upon areas of the City outside the proposed development, and which will be owned, operated and maintained by the City or another public agency approved 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 percent of the project.

In-tract facilities, exactions, or other public right-of-way easements and/or lands which are dedicated by a developer 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 developer.

5. Land Use Approvals

All proposed projects within the proposed district, together with the infrastructure and public facilities, should be consistent with the City's adopted General Plan and zoning classifications. All property within the proposed district must possess land use determinations or zoning classifications of sufficient certainty, and facility requirements of sufficient specialty that each parcel can be adequately assessed.

6. Agreements Required

The applicant will be required to enter into all necessary agreements incident to district proceedings in a form provided by the City and consistent with these policies. These agreements may include, but not be limited to:

- Development Agreement
- Disposition and Development Agreement
- Acquisition and Disclosure Agreement
- Funding and Reimbursement Agreement
- Advance Deposit Agreement
- Land Dedication Agreement (where required)
- Other Agreements (as required)

As a condition to the issuance and sale of the bonds, all of the agreements required by the City shall be duly approved and executed by the parties thereto. Prior to execution of any agreements, such agreements shall be reviewed by bond counsel and City Attorney and such other consultants as the City believes are appropriate.

7. *The Appraisal Process*

A) INTRODUCTION

The process of arriving at an appraised value may be summarized as follows:

- Statement of appraisal problem.
- Required data and sources of data.
- Gathering, recording and verification of data.
- Determination of "highest and best use."
- Estimation of land value.
- Estimation of improvement value by relevant approach:
 - (i) sales comparison,
 - (ii) cost (or replacement value), or
 - (iii) income capitalization.
- Reconciliation of results to concluded value.
- Report of value with statement of limitations, conditions, and assumptions.

The appraiser's opinion of value can be presented in a variety of ways, but there are three general formats. The first, an "opinion letter" is the most direct and the shortest. It expresses the appraiser's opinion as to the likely value of a property, usually expressed in terms of a range of values or allowing for a percentage above or below the valuation number. A "form report" makes use of standard forms and provides a synopsis of the considerations which went into the appraiser's conclusion of value. This type of report is most common in lending situations on single-family residences, though a new form for commercial and industrial properties has been recently developed. The "narrative report" presents a very thorough documentation of the process employed by the appraiser in arriving at an opinion of value. It is generally very complete and always includes a discussion of the data collected, the approach used, the factors which limit or condition the appraiser's opinion of value and a certificate of appraisal.

B) THE APPRAISER - GENERAL REQUIREMENTS

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.

C) 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
Appraisals 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. Subsection D, which follows within this Section, 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.

D) VALUATION METHODS

The first three valuation methods discussed in this section - 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 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 expenses 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 90% of the undeveloped parcels is greater than 3:1, then a separate appraisal may not be required. If the assessed value of 90% 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.

E) 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 City Manager.

Appraisals should conform to the following specific criteria:

- 1) Appraisers 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 bonds. To the extent practical, valuation dates on all properties shall be synchronized to a specific date, such as "October 1, 1996."
- 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 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 (i) 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 buildings (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); leaseable 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

10. Security: Credit Enhancement

- Financial Plan: prior to City Council approval of the district, the applicant/developer must submit a financial plan which demonstrates to the City's satisfaction the applicant/developer's ability to pay all assessments and/or special taxes through build out of the project.
- Credit Enhancement: in general, where credit enhancement is required for the bond issue as a whole, in the opinion of the City, the applicant/developer 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 district is insufficient, and may take the form of letters of credit, policies of insurance, or other vehicles.
- Letter of Credit Requirements: In general, the following requirements apply to letters of credit:
 - (1) The term shall be at least one year, with automatic renewal unless canceled in writing by the City.
 - (2) The amount the property owner is required to post shall be determined by the City.
 - (3) 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 district. Irrevocable credit commitments, commitment letters, in-lieu letter of credit guarantee forms, or other similar instruments, will not be accepted.
 - (4) The letter of credit shall be irrevocable, and issued for the benefit of the City.
 - (5) 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.
 - (6) 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.

11. Value-to-Lien Ratios

- If the value-to-lien ratio is 3:1 or greater for the entire district and if there is a value-to-lien ratio of 3:1 on at least 90% of vacant land in the district, 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 district.
- If the value-to-lien ratio is less than 3:1 for the district as a whole or on at least 90% of vacant land in the district, 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 district or may elect to abandon the district.

12. 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.

13. Special Taxes and Assessments

The projected special assessment and/or special tax, when added to the ad valorem property tax and other direct and overlapping debt for the proposed district (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 percent (2%) of the projected assessed value of each improved parcel within the district. A backup special tax may be required to protect against changes in land use that may result in insufficient annual special tax revenues.

14. Terms and Conditions of Bonds

All terms and conditions of the bonds shall be established by the City. The City will control, manage and invest all district issued bond proceeds. Unless otherwise authorized by the City, the following shall serve as bond requirements:

- A debt service reserve fund equal to an amount not less than 10 percent of the bond issue's par value, subject to federal tax regulations, will be established.
- 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.
- Beginning with the commencement of the repayment of principal, annual debt service may be level or may escalate up to a maximum of 2% per year.
- 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 110% of the average annual debt service.
- 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.
- 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/developer agree separately.
- The City may require that each new district bond issue refund any prior issues, if they exist on properties included in the district, in order to avoid subordinated liens. Instances where prior issues may not require refunding are: (1) where refunding of prior issues will result in higher interest costs; (2) where there can be assurance that prior liens may pose no marketing problems for the new district bonds; or (3) where refunding of prior issues may present future administrative difficulties to the City or other affected public entities.

15. Fiscal Feasibility Report

Prior to the formation of a financing district, a fiscal feasibility report may be required if a portion of the land within a district is substantially undeveloped. The report shall be prepared by or at the direction of the City. All costs for preparing this report shall be borne by the applicant/developer.

16. Disclosure Requirements

The applicant/developer 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 within the district.

17. Property Owner Support

Where the formation of a district is applicant/developer initiated and where multiple property owners are involved, the district applicant shall be required to produce letters of support from the other property owners who are in favor of the district as an attachment to the district application.

18. Special Tax Formula

The maximum special tax submitted to the qualified voters of the district shall not exceed one percent (1%) of the projected assessed value of the developed properties at the time of full build-out of district formation. Furthermore, the total of the following shall not exceed two percent (2%) of the projected assessed value of the subject properties:

- A) Ad valorem property taxes levied by the City.
- B) Voter approved ad valorem taxes levied by the City in excess of one percent (1%) of the assessed value.
- C) Special taxes levied by any existing CFD for the payment of bonded indebtedness or on-going services.
- D) Assessments levied for any assessment district or maintenance district for the payment of bonded indebtedness or services.
- E) The maximum special tax for the proposed CFD.

The maximum special tax formula shall adhere to the following requirements:

- A) The maximum special tax shall be established when a developed parcel is first subject to the tax and shall include the annual administrative costs of the City to administer the district.
- B) 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 percent (4%) per year for developed parcels.
- C) The City shall have discretion to allow a special tax in excess of the 2% maximum tax burden limits for any commercial or industrial lands within the district.
- D) Concerning that portion 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 percent (2%).

The City shall retain a special tax consultant to prepare a report which:

- A) Recommends a special tax for the proposed CFD, and
- B) Evaluates the proposed special tax in light of its ability to adequately fund identified public facilities, City administrative costs and services (if applicable) and other related expenditures. Such analysis shall also address the resulting aggregate tax burden of all proposed special taxes plus existing special taxes, ad valorem taxes and assessments on the properties within the CFD.

19. Acquisition Provisions

Unless as otherwise agreed to between the City and the applicant/developer, the following provisions will apply concerning the acquisition of public facilities with Mello-Roos or assessment district funds:

- The delivery to the City by the applicant/developer of all deeds, easements, or other documents necessary to complete the transfer of title to the improvements and the land or interests in land on which the improvements have been constructed.
- Issuance of a title insurance policy in favor of the City that ensures clear title to the land or interests in land to be conveyed to the City.
- The delivery to the City of a certified copy of the developer's "Notice of Completion" filed with the County of Stanislaus Records Office thirty-five (35) days prior to acceptance of the improvements.
- The delivery to the City by the applicant/developer of lien waivers or releases from all contractors, subcontractors, and suppliers associated with construction of the improvements; or, in cases where this is not practical, other equivalent security such as a lien-free endorsement from a title company.
- The delivery to the City by the developer of certified payroll documents from contractors and applicant/developer for whose release is sought.
- Any other documentation required pursuant to the acquisition agreement between applicant/developer and the City.

20. 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.

21. 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:

- the refunding will generate at least five percent (5%) net present value savings; or
- 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).

MODESTO CITY COUNCIL
RESOLUTION NO. 96-546

A RESOLUTION ACCEPTING THE BID OF CUNNINGHAM & SONS FOR THE PROJECT TITLED "HELD AVENUE/MID LATERAL NO. 3 CANAL CROSSING"

WHEREAS, the bids received for Held Avenue/MID Lateral No. 3 Canal Crossing were opened at 11:00 a.m. on September 17, 1996, and later tabulated by the Public Works & Transportation Director for the consideration of the Council; and

WHEREAS, the Public Works & Transportation Director has recommended that the bid of \$318,890.20 submitted by Cunningham & Sons be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of \$318,890.20 submitted by Cunningham & Sons 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 October, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-547

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF AN UPGRADE TO AN IBM RS/6000 COMPUTER WITH JESKELL INC. FROM THE CMAS CONTRACT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of an upgrade to an IBM RS/6000 computer is hereby waived.

BE IT FURTHER RESOLVED that purchase of an upgrade to an IBM RS/6000 computer with Jeskell Inc. from the CMAS contract for a not to exceed price of \$124,564.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-548

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF NETWORK INFRASTRUCTURE EQUIPMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of network infrastructure equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase of network infrastructure equipment for a not to exceed price of \$40,212.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

RESOLUTION NO. 96-549

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

WHEREAS, City of Modesto (the "City") is a chartered city and municipal corporation organized and existing under the Constitution and laws of the State of California; and

WHEREAS, the City has paid, beginning no earlier than June 25, 1996 and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the rehabilitation of John Thurman Field (the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the City Council of the City (the "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 City for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL AS FOLLOWS:

Section 1. The Council hereby declares the City's intent to reimburse the City with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after June 25, 1996, which date is no more than 60 days prior to the date hereof. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$3,750,000.

Section 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Bonds to reimburse an Expenditure, no latter than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October _____, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

DESCRIPTION OF PROJECT

The project consists of the rehabilitation, renovation, reconstruction and equipping of the City's John Thurman Field and related costs and facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-550

A RESOLUTION CERTIFYING REVIEW OF AN INITIAL STUDY AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE JOHN THURMAN FIELD EXPANSION PROJECT.

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 No. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, an Initial Study, based on Appendix I of the California Environmental Quality Act (CEQA) Guidelines, provided review of a project pursuant to the City of Modesto's General Plan Master EIR (SCH No. 92052017), and

WHEREAS, the project expansion of the existing John Thurman Field baseball stadium facilities located at 601 Neece Drive, has received a Parks and Recreation Master Plan study and various studies funded through the Master EIR's requirement for projects, and

WHEREAS, the Initial Study reviewed the project pursuant to CEQA Section 21080(c)(2); specifically, CEQA Section 21080(c)(2), which allows the preparation of a Mitigated Negative Declaration for a proposed project, subject to certain conditions, and

WHEREAS, the Initial Study analyzed potentially significant effects for Traffic and Circulation, Noise, and Cultural Resources, and

WHEREAS, Mitigation to reduce impacts to less than significant was arrived at by City staff, including requirements

for traffic control officers and a parking management plan for Traffic and Circulation, sound system design and operation for Noise, and

WHEREAS, the above referenced Mitigation was incorporated into the project prior to Public Review, and

WHEREAS, the Initial Study and proposed Mitigated Negative Declaration were released for Public Review from August 1, 1996, through August 30, 1996, and

WHEREAS, during the Public Review period, the City received six letters of comment, providing comments on the Initial Study and proposed Mitigated Negative Declaration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study, the proposed Mitigated Negative Declaration together with the comments received during the Public Review process, and based on the Initial Study and the comments received, the Council makes the following findings:

1. That an Initial Study has identified potentially new or additional significant effects on the environment that were not analyzed in the Master Environmental Impact Report.

2. That feasible mitigation measures were incorporated to revise the proposed subsequent project, before the Mitigated Negative Declaration and Initial Study were released for public review, in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur.

3. That there is no substantial evidence in light of the whole record before the City that the project, as revised, may have a significant effect on the environment.

4. The Mitigated Negative Declaration reflects the independent judgment of the City as lead agency.

5. A mitigation and monitoring program has been prepared by the City of Modesto for the Thurman Field expansion project to comply with Public Resources Code Section 21081.6. Section 21081.6 requires public agencies to adopt a mitigation reporting or monitoring program when adopting a mitigated Negative Declaration. Monitoring programs are designed to ensure that all mitigation measures described in the Negative Declaration are carried out.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that:

(1) The Mitigated Negative Declaration is hereby approved and adopted.

(2) The Mitigation Monitoring Program set forth in Exhibit "A" is hereby approved and the Parks and Recreation Director and the Public Works and Transportation Director are directed to incorporate the Mitigation Measures into the project plan.

(3) The documents on other material which constitute the record of proceedings upon which the City's decision is based shall be kept in the office of the City Clerk, City of Modesto, City Hall, 801 11th Street, Modesto, California 95354.

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 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 8th day of October, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

EXHIBIT A
MITIGATION MONITORING PROGRAM
JOHN THURMAN FIELD EXPANSION

This mitigation and monitoring program has been prepared by the City of Modesto for the Thurman Field expansion project to comply with Public Resources Code Section 21081.6. Section 21081.6 requires public agencies to adopt a mitigation reporting or monitoring program when adopting a mitigated Negative Declaration. Monitoring programs are designed to ensure that all mitigation measures described in the Negative Declaration are carried out.

The following Mitigation Measures will be incorporated into the John Thurman Field expansion project:

TRAFFIC AND CIRCULATION:

1. Tuolumne/Roselawn - At average attendance level, no mitigation is needed. At above average attendance level, special signal timing setting or officer control of the signal during the departure period will result in acceptable conditions. Detailed officer control location and time will be at discretion of the Chief Police. (See Officer Control Needs Chart, Exhibit C.)
2. Tuolumne/Neece - Officer control of the intersection during the arrival hour is needed at average attendance level. At above average attendance level, officer control of the intersection during the arrival hour as well as departure hour will result in acceptable conditions. The arrival hour usually starts about one hour before the game begins. (See Officer Control Needs Chart, Exhibit C.)
3. South/Roselawn - It is apparent from the projected traffic flow patterns that it will require officer control during the departure hour at above average attendance level. (See Officer Control Needs Chart, Exhibit C.)
4. Tuolumne/NB Ramps - Signalization is needed even for existing conditions plus the expansion. The signal project can be put into the Capital Improvement Program. Prior to signalization, officer control during the departure hour will be needed. (See Officer Control Needs Chart, Exhibit C.)
5. Tuolumne/SB Ramps - Signalization is needed even for existing condition plus the expansion. The signal project is included in the 1996/1997 Capital Improvement Program. Even with the signal, it may be necessary to use officer control at the departure hour to attain acceptable conditions. Prior to signalization, officer control at the arrival hour is needed

at average attendance level; at above average attendance level, officer control during the arrival as well as the departure hours will be needed. (See Officer Control Needs Chart, Exhibit C.)

6. Parking Management - A parking management plan shall be prepared prior to opening of the expanded stadium for stadium activities. The plan shall be designed to ensure that increased parking for stadium events, including ball games, will not result in additional overflows into surrounding residential streets beyond current levels (1996).
7. Directional Signing - Since the new parking lot will be located at the farthest side of the stadium from the freeway, directional signing should be installed to direct traffic destined to the site to the available parking lots. For high attendance events, this can be supplemented by officer control to direct traffic to lots which still have available parking spaces.

NOISE:

1. No more than 12 total speakers similar to the existing Peavey speakers should be included in the project design. Speakers should be oriented toward the interior of the stadium, or directed downward.
2. The sound system shall not be allowed to produce a maximum noise level in excess of 70 dB at the nearest residential uses.

AIR QUALITY:

Although analysis indicates a less than significant impact on air quality, the measures below will be incorporated into the project:

1. Energy-efficient and automated controls for air conditioners.
2. Window treatment (double pane glass).
3. Increased insulation beyond Title 24 (attic and walls).
4. Bicycle facilities: racks.
5. Energy-efficient parking lot lights.
6. Light-colored roof materials to reflect heat.

CULTURAL RESOURCES:

No impacts on Stadium site, thus, no mitigation required.

11/17/96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-551

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

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

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

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

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

SECTION 1. CLASSIFICATION CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classification:

Cultural Services Manager

The job specification for the classification of Cultural Services Manager (Range 435), 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. CLASSIFICATIONS ABOLISHED. The Position

Classification Plan of the City of Modesto is hereby revised to abolish the following classifications:

Museum Supervisor

Historical Building Supervisor

SECTION 4. EFFECTIVE DATE. This resolution shall become effective on and after October 8, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

CULTURAL SERVICES MANAGER

DEFINITION

To plan, promote, organize, direct, and manage assigned programs and facilities including the McHenry Museum, McHenry Mansion, the McClure Country Place, and other historical buildings; to supervise the work of paid and volunteer personnel; and to supervise the restoration, maintenance, and operation of the cultural/historical sites and programs.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from an Assistant Director of Parks and Recreation.

Exercises direct supervision and management over lower level professional, technical, maintenance, and contractual staff.

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

Plan, promote, organize, direct and manage programs and facilities for the McHenry Museum, McHenry Mansion, the McClure Country Place, and other cultural/historical sites.

Supervise, assign, schedule, and evaluate paid and volunteer personnel involved in the restoration, maintenance, rental, and operation of the cultural/historical sites.

Evaluate operations and activities of assigned responsibilities; recommend improvements and modifications; perform analytical work and prepare various professional reports on operations and activities.

Answer questions and provide information to the public; investigate complaints and recommend corrective action as necessary to resolve complaints.

Participate in the selection of staff; provide or coordinate staff training; prepare manuals of procedures; work with employees to correct deficiencies; implement discipline procedures.

Prepare the cultural/historical division budget; assist in budget implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

EXAMPLES OF DUTIES, Continued

Work with organized community groups, cultural/historical volunteer support groups, and committees in the promotion and organization of programs and facilities.

Research information on historical buildings; prepare a variety of reports and special studies.

Provide cultural/historical educational programs for the public.

Develop and implement master plan for the restoration and accreditation of various historical sites; determine original layout and code requirement design modifications; define and re-evaluate usage; advise architects on appropriate design for restoration; review architects' plans and specifications.

Plan, coordinate and assist in fund raisers.

Locate, select and purchase appropriate artifacts.

Evaluate long-term exhibits as to effectiveness, recommend and implement a course of action.

Develop changing exhibits, act as staff liaison to the Culture Commission and to the Boards of Directors of the McHenry Mansion and the McHenry Museum.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of organization, management and administration of museums and cultural/historical sites.

Computer software, cataloging, and facility rentals.

Principles and practices of supervision, training and personnel management.

Methods used in care, preservation, and conservation of historical artifacts and objects.

Techniques and methods of restoration of historical buildings.

October, 1996

QUALIFICATIONS

Knowledge of, Continued:

Methods used in interpreting historical artifacts and objects, including exhibit design and audio-visual techniques.

American history and decorative art.

Recruiting community organizations and resources in developing an historical buildings program.

Advanced methods of report preparation and presentation.

Ability to:

Plan, organize, and supervise the activities of a cultural/historical program.

Train, supervise and evaluate paid and volunteer staff.

Plan, promote, and evaluate cultural/historical programs suitable to the City's and citizens' needs.

Design and supervise construction of exhibits.

Prepare clear and concise reports.

Prepare and administer a budget.

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 and Training Guidelines, Continued

Experience:

Three (3) years increasingly responsible experience administering an historical buildings program.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in Museum Studies or a related field.

License or Certificate

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-552

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 96-366 TO APPROVE A REVISED
CLASS RANGE TABLE FOR MANAGEMENT AND
CONFIDENTIAL NON-SWORN CLASSES.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 96-366.

Exhibit "A" entitled "City Of Modesto Class Range Table
Management And Confidential Non-Sworn Classes Effective June 25,
1996", attached to Resolution No. 96-366, is hereby amended as
shown on the amended Exhibit "A"-entitled, "City Of Modesto Class
Range Table Management And Confidential Non-Sworn Classes
Effective October 8, 1996", which is attached hereto and made a
part hereof as though set forth in full herein. Said amended
Exhibit "A" adds Cultural Services Manager (Range 435) to the
Class Range Table, and deletes Museum Supervisor and Historical
Building Supervisor.

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after October 8, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of October, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

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

Effective October 8, 1996

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	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Systems Analyst
Custodian Supervisor

424 Assistant Planner
Asst. City Clerk/Auditor

425 Administrative Analyst I
Executive Assistant
Legal Services Supervisor

426 Stores Manager

427 Events Supervisor

428 Parks Maintenance Supervisor I
Airport Maintenance Supervisor
Trees Maintenance Supervisor I
Equipment Maintenance Supervisor I
Social Services Coordinator
Buyer
Accountant II
Budget Analyst
Public Works Supervisor I
Building Maintenance Supervisor
Customer Services Specialist

429

430 Associate Planner
Parks Construction Supervisor I
Junior Civil Engineer
Junior Traffic Engineer
Neighborhood Preservation Supervisor

431 Administrative Analyst II
Affirmative Action Officer
Personnel Analyst
Training Coordinator
Assistant Risk Manager
Recycling Program Coordinator
Senior Budget Analyst

432 Plant Mechanic Supervisor
Recreation Supervisor II
Senior Accountant
Youth Program Supervisor
Industrial Waste Supervisor

Class Range Table

Management and Confidential Non-Sworn Class

Page 3

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

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

441	Sr. Deputy City Attorney I Airport Manager Solid Waste Program Manager Transit Manager Streets Superintendent Parks Operations Superintendent Risk Manager Assistant Personnel Director Recreation Superintendent Fleet Manager Urban Forestry Superintendent Wastewater Collections Superintendent Water Superintendent Building Maintenance Superintendent Police Records Manager Fire Marshal Golf Services Manager
442	Supv. Building Inspector Finance Data Processing Manager Supv. Construction Inspector Manager of Budget and Financial Analysis
443	Deputy Chief Bldg. Official
444	General Services Manager Water Quality Control Supt. Principal Planner
445	Customer Services Division Manager Accounting Division Manager Housing and Neighborhoods Division Manager
446	Senior Civil Engineer Traffic Engineer
447	Chief Building Official Assistant to City Manager Asst. Parks & Recreation Dir. - Civic Center Asst. Parks & Recreation Dir. - Parks Asst. Parks & Recreation Dir. - Recreation Business Development Division Manager Development Services Division Manager Strategic Planning Division Manager
448	Sr. Deputy City Attorney II
449	

Class Range Table

Management and Confidential Non-Sworn Class

Page 5

450 Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation

451

452 Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-553

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DON HARMON FROM THE GOLF ADVISORY COMMITTEE, EFFECTIVE OCTOBER 8, 1996

WHEREAS, Don Harmon was appointed a member of the Golf Advisory Committee on January 2, 1996; and

WHEREAS, Don Harmon has tendered his resignation from the Golf Advisory Committee, effective October 8, 1996; and

WHEREAS, Don Harmon 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 Don Harmon from the Golf 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 Don Harmon 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 8th day of October, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

P. Beck

MODESTO CITY COUNCIL
RESOLUTION NO. 96-554

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(518). (DONALD
R. GONSALVES)

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Donald R. Gonsalves on July 1, 1996, to reclassify from Professional Office Zone, P-O, to Planned Development Zone, P-D, to allow a car wash facility and commercial use as permitted in the C-3 Zone, property located on the east side of Oakdale Road at Lancey Drive, described as follows:

P-O to P-D(518)

All that portion of O. McHenry Ranch according to the map filed in Volume 2 of Maps, at Page 7, Mount Diablo Base and Meridian in the Stanislaus County Records, situated in the Southwest One-Quarter of Section 14, Township 3 South, Range 9 East, described as follows:

Commencing at the Southwest corner of said Lot 3; thence North 0°19' West and along the West line of said Lot 3 and along the centerline of the 40.00 foot County Road known as Old Oakdale Road, a distance of 665.04 feet to the true point of beginning of this description; thence continuing North 0°19' West and along the West line of said Lot 3 a distance of 239.05 feet; thence South 89°30'30" East a distance of 259.20 feet; thence South 37° 50' 40" East a distance of 24.57 feet; thence South 9°19'20" East a distance of 32.91 feet; thence South 0°13'20" West a distance of 187.69 feet; thence North 89°26' West a distance of 277.55 feet to the true point of beginning of this description.

and

WHEREAS, after a public hearing held on September 9, 1996, 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. 96-43, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The planned development zone will allow a commercial development within a Mixed Use area as designated by the General Plan for this portion of the Baseline Developed Area of the City of Modesto.
2. The planned development plot plan acknowledges the mitigation measures as set forth in the Mitigated Negative Declaration, Environmental Assessment No. 93-90.
3. The conditions of approval for the Planned Development Zone will insure that the car wash facility and other commercial uses will be compatible with other existing and potential uses.

and

WHEREAS, after a public hearing held on October 15, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Donald R. Gonsalves 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. 96-43 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3006 -C.S. on the 15th day of October, 1996, reclassifying the above-described property from Professional Office Zone, P-O, to Planned Development Zone, P-D(518).

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

1. All development shall conform to the plot plan and floor plans titled "Proposed Development - Donald Gonsalves" as amended in red, stamped approved by the City Council on October 15, 1996.
2. Street dedication consistent with Standard Specifications, including a seven-foot (7') dedication along the Oakdale Road frontage, 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.
3. 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.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
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 provide the CEQA traffic mitigation measures as follows:
 - a. The project shall be served by one driveway aligned with Lancey Drive.

- b. The developer shall make street dedication for a northbound bus turn-out, just north of Lancey Drive on the east side of Oakdale Road. Plans and legal descriptions for the required dedication shall be submitted for the approval of the Director of Public Works and Transportation.
8. Prior to issuance of an occupancy permit, the developer shall provide the CEQA traffic mitigation measures as follows:

The bus turn-out located just north of Lancey Drive on the east side of Oakdale Road shall be constructed according to the approved plans.
9. Prior to issuance of an occupancy permit, the developer shall provide the CEQA air quality mitigation measures as follows:
 - a. A direct pedestrian access to the main entrance of the project from the public transit stop. Such access shall include paved walk ways and be physically separate from parking areas and vehicle access routes.
 - b. Provide on-site bicycle racks for at least ten bicycles. Racks for a minimum of two bicycles to be provided at each business.
 - c. Provide bus turnout (noted above under traffic mitigation).
10. 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.
11. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
12. 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.
13. 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, south and east, substantially as shown in red on the plot plan.

14. 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.
15. 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.
16. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.
17. No signs shall be permitted above eight feet (8') in height on the east face of the buildings.
18. All signs shall conform to the sign requirements of the C-3 Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(518):

The entire construction program be accomplished in two phases as follows:

Phase I - construction to begin on or before September 9, 1998, and completion to be not later than September 9, 1999.

Phase II - construction to begin on or before September 9, 1999, and completion to be not later than September 9, 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(518), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of October, 1996, 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: 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 FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-555

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT, APPROVING THE PROPOSED MITIGATED NEGATIVE DECLARATION, AND DIRECTING THE COMMUNITY DEVELOPMENT SERVICES MANAGER TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 14-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON FROM P-O TO P-D(518). (DONALD R. GONSALVES)

WHEREAS, on November 19, 1993, the City's Environmental Assessment Committee (EAC) conducted an initial study to determine if the amendment to Section Map 14-3-9 of the Zoning Map of the City of Modesto to reclassify from Professional Office Zone P-O to Planned Development Zone, P-D(518), property located on the east side of Oakdale Road at Lancey Drive might have a significant effect on the environment, and

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

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

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

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

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

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

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

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of October, 1996, 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: 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 FORM:

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

Block
(6)

MODESTO CITY COUNCIL
RESOLUTION NO. 96-556

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(517). (TED
SEYBOLD)

WHEREAS, a verified application for an amendment to
Section 27-3-9 of the Zoning Map was filed by Ted Seybold on
May 20, 1996, to reclassify from Medium-High Density Residential
Zone, R-3, to Planned Development Zone, P-D, to allow a mini-
storage facility, property located on the north side of Scenic
Drive between Brighton and Rose Avenues, described as follows:

R-3 to P-D(517)

ALL that certain real property situate in a portion of
the Northeast quarter of Section 27, 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 intersection of the centerlines of
original 40.00 foot wide Brighton Avenue and 50.00 foot
wide Scenic Drive; thence along the centerline of
Scenic Drive North 73° 47' 09" East 684.89 feet to the
centerline of a 90.00 foot wide abandoned road right-
of-way known as Brighton Avenue; thence along said
center-line of the abandoned right-of-way on a curve
concave to the west having a central angle of 2° 51'
58" and a radius of 900.00 feet as shown on that
certain parcel map recorded in Volume 01 of Parcel Maps
at Page 102, Stanislaus County Records, on April 13,
1996, a distance of 45.02 feet to the north line of
Scenic Drive and the True Point of Beginning of this
description; thence South 73° 47' 09" West 45.00 feet
to the western line of said abandoned Brighton Avenue;
thence along said western line, Northwesterly 16.11
feet on the tangent of a curve having a radius of 15.00
feet and being concave to the northwest; thence
continuing along said west line 209.30 feet on a curve
concave to the west and having a radius of 855.00 feet;
thence leaving said west line of abandoned 90.00 foot
wide Brighton Avenue North 0° 35' 24" West 162.22 feet
to the Eastern line of said abandoned right-of-way;
thence South 34° 20' 10" East 350.47 feet; thence

continuing along said Eastern line 239.79 feet on a curve concave to the west and having a radius of 945.00 feet; thence continuing along said Eastern line 14.09 feet on the tangent of a curve having a radius of 15.00 feet and being concave to the northeast to the intersection with aforementioned north line of Scenic Drive; thence along said north line, South 73° 47' 09" West 45.00 feet to the point of beginning.

Also including that northerly portion of Scenic Drive extending to the centerline of the original 40 foot Scenic Drive, all immediately adjacent to the above described property.

and

WHEREAS, after a public hearing held on September 9, 1996, 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. 96-42, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The Planned Development Zone will allow a mini-storage facility development which will contribute to a mixture of uses provided for in the Mixed Use (MU) area designated for this portion of Scenic Drive, a minor arterial.
2. The plot plan along with conditions of approval recommended by the Planning Commission will assure that the mini-storage facility developed on this property will be compatible with other adjacent neighborhood uses.

and

WHEREAS, after a public hearing held on October 15, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Ted Seybold 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. 96-42 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3007 -C.S. on the 15th day of October, 1996, reclassifying the above-described property from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(517).

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

1. All development shall conform to the plot plan and floor plans titled "Preliminary Site Plan - Ted Seybold" as amended in red, stamped approved by the City Council on October 15, 1996.
2. Prior to issuance of a building permit, a landscape and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be installed to screen the back side of the storage units adjacent to the convalescent nursing home to the west and to obscure public view from Scenic Drive. This may be accomplished by either: a five-foot setback of the storage units from the west property line to accommodate the screen planter and maintenance area; or a recorded landscape maintenance easement on the adjacent convalescent nursing home property, in a form approved by the City Attorney, to ensure a screen landscape planter and maintenance area on the neighboring property. In either event, the landscaping materials chosen shall be of a mature nature, of a size such as to give accelerated wall coverage and to soften the impact of the parapet walls' exposure to Scenic Drive.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows:

Eight-foot-high (8') chain link fence with decorative slats along the rear or northern property line. A gate may be provided in the fence to allow vehicular access to the adjacent land-lock parcel.

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 of five feet (5') consistent with Standard Specifications to provide 50 feet north of the Scenic Drive centerline, 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. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
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. 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 Public Works and Transportation Director.
10. No signs shall be permitted above eight feet (8') in height on the north, west and east face of the buildings or peripheral walls.
11. All signs shall comply with the sign requirements of the P-O Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(517):

The entire construction program be accomplished in one phase construction to begin on or before September 9, 1998, and completion to be not later than September 9, 1999.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(517), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of October, 1996, 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: 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 FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]
Community Development Department
Development Services

Check
6

MODESTO CITY COUNCIL
RESOLUTION NO. 96-557

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 27-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(517), PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE BETWEEN BRIGHTON AND ROSE AVENUES. (TED SEYBOLD)

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, Ted Seybold has proposed that the zoning designation for the property located on the north side of Scenic Drive between Brighton and Rose Avenues be amended to rezone from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(517), property located on the north side of Scenic Drive between Brighton and Rose Avenues, in the City of Modesto ("the project"), and

WHEREAS, on August 8, 1996, the City's Community Development Department by Environmental Assessment 96-91 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 September 9, 1996, 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 August 8, 1996, 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.

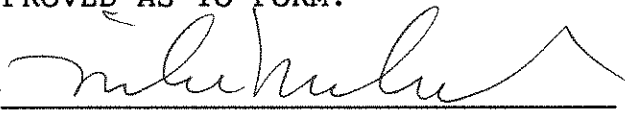
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of October, 1996, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: 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 FORM:

By 
MICHAEL D. MILICH, City Attorney

**City of Modesto
Initial Study**

I. PURPOSE

This is an application to rezone property zoned R-3, Medium High Density Residential to P-D, Planned Development Zone to allow a mini-storage facility.

the Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of applications to rezone property. The Final Master EIR (SCH #92052017) was certified by the Modesto City Council on August 15, 1995.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether the rezoning for the mini-storage facility 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 rezoning is described in the Master EIR as being within the scope of the General Plan.

II. PROJECT DESCRIPTION

- A. Project title:
Amendment to Section 27-3-9 of the zoning map of the City of Modesto to rezone from R-3, Medium High Density Residential Zone to planned development zone, P-D.
- B. Lead agency name and address:
City of Modesto
PO Box 642
Modesto, CA 95353
- C. Contact person and phone number:
Ted Seybold
3301 Wycliffe Drive
Modesto, CA. 95350
(209) 521-8270
- D. Project Location:
North side of Scenic Drive between Brighton and Rose Avenues

E. Project sponsor:
Rod H. Hawkins
Mid-Valley Engineering
900 "H" street, Suite G
Modesto, CA. 95353
(209) 526-4214

F. General Plan Designation:
(MU) Mixed Use

G. Zoning:
existing R-3
proposed P-D

H. Description of Proposed Project:
This an application to rezone from R-3 to P-D. The planned development zone will allow a mini-storage facility located on 4.54 undeveloped acres. This storage facility will occupy a portion of the 90-foot wide Brighton Avenue easement which was abandoned by the City and which reverted to the adjacent property containing the apartment complex. The facility will front along Scenic Drive, however, access to the facility will be from that portion of the property containing the apartment complex. No new driveways entrances are proposed from Scenic Drive.

I. Surrounding land uses:
The property proposed to be rezoned is part of a larger parcel of land containing an apartment complex to the east. The storage facility will be bordered on the west by a convalescent care nursing home. The facility fronts on Scenic Drive which is a Minor Arterial street.

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. The following is an analysis of how the rezoning from R-3, Medium High Density Residential Zone to P-D to allow a mini-storage facility conforms with the analysis contained within the Master EIR.

A. Traffic and Circulation

This a rezoning of property located along a minor arterial from R-3, Medium High Density Residential Zone to P-D. to allow a mini-storage facility. The proposed P-D will not require a traffic study as determined by the City of Modesto Public Works and Transportation Department. This project 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.

A

- B. Degradation of Air Quality**
This rezoning will allow a mini-storage facility along the north sides of Scenic Drive between Brighton and Rose Avenues and located within the City of Modesto. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.
- C. Generation of Noise**
The rezoning of this property will allow a mini-storage facility. Conditions of approval of the planned development zone will restrict use of the facility for storage only. No shop uses, nor music rehearsals or performance will be allowed. The project will not generate additional traffic nor create additional significant effects beyond those identified in the impact analysis. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.
- D. Loss of Productive Agricultural Land**
The property to be rezoned is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.
- E. Increased Demand for Water Supplies**
The rezoning of the property will not require 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 rezoning of the property will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.
- G. Loss of Sensitive Wildlife and Plant Habitat**
This rezoning 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 rezoning is located in the east portion of the City of Modesto within a developed area and 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 rezoning of this property is for a mini-storage facility and 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 rezoning of this property 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**
The rezoning will not have an effect upon the parks or open space needs in the area. No residential units will be created with this application. 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 is a rezoning of property for a mini-storage facility and will not have an impact on educational facilities and programs. However, this area has been studied for medium density residential development. Therefore, 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**
The rezoning of this property is for a mini-storage facility use and will have no additional significant impact, upon the need for additional police services to this area, beyond that which has already been studied. 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 rezoning of property for a mini-storage facility use has a less than significant impact upon the need for additional fire services to this area. Fire Station Number No.6 is a quarter 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 rezoning and subsequent development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are, therefore still valid.

P. Generation of Hazardous Materials

This proposal will result in no additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. Landslides and Seismic Activity

This proposal will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. Energy

This proposal will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV

CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed rezoning from R-3 to P-D to allow a mini-storage facility is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017) which analyzed potential impacts of rezonings.
- B. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 1157.1).
- C. All feasible mitigation measures or feasible alternatives set forth in the Meir have been incorporated into this rezoning.
- D. There are no specific features unique to the proposed rezoning from R-3 to P-D to allow a mini-storage facility that will 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: _____

8-8-96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-558

A RESOLUTION ACCEPTING THE BID OF GROENIGER & COMPANY FOR FURNISHING FLAP GATE CHECK VALVES AND RELATED INSTALLATION

WHEREAS, Resolution No. 96-275, adopted by the Council of the City of Modesto on May 21, 1996 authorized the call for bids for furnishing flap gate check valves and related installation; and

WHEREAS, the bids received for flap gate check valves and related installation, were opened at 11:00 a.m. on June 19, 1996, and later tabulated by the Finance Director, who deemed the bids unacceptable and called for rebid; and

WHEREAS, Resolution No. 96-460, adopted by the Council of the City of Modesto on August 13, 1996 authorized the call for rebids for furnishing flap gate check valves and related installation; and

WHEREAS, the bids received for flap gate check valves and related installation, were opened at 11:00 a.m. on September 18, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Groeniger & Company for a total amount of \$42,864.10 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Groeniger & 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 15th day of October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

76-1
9

MODESTO CITY COUNCIL
RESOLUTION NO. 96-559

A RESOLUTION CANVASSING THE RESULTS OF THE
OCTOBER 15, 1996 ELECTION HELD WITHIN
COMMUNITY FACILITIES DISTRICT NO. 1996-1

WHEREAS, this Council is conducting proceedings
pertaining to the formation of the City's Community Facilities
District No. 1996-1 (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 Resolution of
Formation No. 96-544 including any incidental expenses related
thereto as authorized by law, and

WHEREAS, on October 15, 1996, 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,

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

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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT A

CERTIFICATE OF CITY CLERK

I, JEAN ADAMS, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 96-544, the Resolution of Formation, adopted on October 8, 1996 by the City Council of the City of Modesto, I did conduct a Special Tax Election for Community Facilities District No. 1996-1 on October 15, 1996, 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 Community Facilities District No. 1996-1 of the City of Modesto (the "District") be authorized to finance certain public facilities (the "Facilities") and services (the "Services") for the District, including any incidental expenses related thereto, as provided in EXHIBITS B and C, respectively, to the Resolution of Formation No. 96-544, adopted by the City Council of the City of Modesto on October 8, 1996, which is incorporated herein by this reference, and shall an appropriations limit in the amount of \$10,000,000 per fiscal year be established for the District, and shall a special tax with a maximum rate, method of apportionment, and manner of collection as provided in EXHIBIT A to the Resolution of Formation No. 96-544, be levied to finance the Facilities and Services, including any incidental expenses related thereto?

TOTAL VOTES CAST: YES 12 NO 0

Dated: October 21, 1996

Jean Adams
JEAN ADAMS,
City Clerk of the City of Modesto

MODESTO CITY COUNCIL
RESOLUTION NO. 96-560

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA STATE LANDS COMMISSION FOR INSTALLATION OF AN 18" SANITARY SEWER PIPELINE CROSSING THE TUOLUMNE RIVER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and State Lands Commission for installation of an 18" sanitary sewer pipeline crossing the Tuolumne River 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 October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-561

A RESOLUTION APPROVING AN AGREEMENT FOR SURVEY SERVICES BETWEEN THE CITY OF MODESTO AND DELAMARE-FULTZ ENGINEERING FOR SURVEY SERVICES FOR THE KIERNAN PLAN LINE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for survey services between the City of Modesto and DeLaMare-Fultz Engineering for survey services be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

**MODESTO CITY COUNCIL
RESOLUTION 96-562**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET
TO REALLOCATE STAFF RESOURCES**

WHEREAS, during the FY 1996-97 Operating Budget review process, staff identified the need for an additional Administrative Clerk II in Organization 5812, Main Shop -Fleet Services. This need arose primarily as the result of adding the new fleet management system which requires extensive data entry in order to be effective. This system is critical to budgeting, rate setting, measuring the fleet's performance, responding to our customer's inquiries and must be maintained on a regular and ongoing basis;

WHEREAS, while the need for additional staff support was acknowledged, public Works staff were challenged to evaluate existing resources first to determine if the resources were available elsewhere within the department. As a result, office support service in the Engineering and Administrative offices are being consolidated. This allows for the continuation of existing service levels, but also allows us to shift an existing vacant clerical position to Fleet Services; and

WHEREAS, the budgeted savings in the General Fund are estimated to be \$39,582 since this position has been vacant all fiscal year, and the estimated cost of filling the Administrative Clerk II in Organization 5812 for the remainder of the fiscal year is \$31,000.

The following adjustments are necessary:

General Fund 010

Fund/Agy/Org		Increase (Decrease)
Expenditures		
010-410-4112-0110	Salaries and Wages\Regular	(\$39,582)
010-800-8000-8003	Contingency Reserve	\$39,582

Fleet Management Fund 720

Fund/Agy/Org		Increase (Decrease)
Expenditures		
720-480-5812-0110	Salaries and Wages\Regular	\$31,000
720-800-8000-8003	Contingency Reserve	(\$31,000)

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 day of October 15, 1996, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and 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. 96-563

A RESOLUTION IN OPPOSITION TO STATE BALLOT
PROPOSITIONS 211, 217 AND 218.

WHEREAS, the policy of the City of Modesto is to not take action on State ballot propositions, however, a rare exception to said policy has been made when severe financial impact or other detrimental action could result if such ballot propositions are approved by the voters of the State of California, and

WHEREAS, the Financial Policy Committee has recommended to the Council that the Council should take the position of opposing the following three Propositions which are on the State Ballot for the November 5, 1996, General Election:

Proposition 211 (Attorney-Client Fee Arrangements/Securities Fraud/Lawsuits/Initiative Statute),

Proposition 217 (Top Income Tax Brackets/Reinstatement/Revenues to Local Agencies/Initiative Statute), and

Proposition 218 (Voter Approval for Local Government Taxes/Limitation on Fees, Assessments and Charges/ Initiative Constitutional Amendment),

and

WHEREAS, said matter was considered by the City Council at its meeting of November 15, 1996,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto does hereby oppose State Ballot Propositions 211, 217, and 218, mentioned above, for the reasons set forth in the Agenda Report to the Mayor and City Council dated October 10,

1996, from the Financial Policy Committee, a copy of which report 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 15th day of October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-564

A RESOLUTION ACCEPTING THE BID OF DONALD L. OBERG GENERAL ENGINEERING FOR THE STANDIFORD AVENUE ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, the bids received for the Standiford Avenue road construction and drainage improvements project were opened at 11:00 a.m. on October 8, 1996, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Donald L. Oberg General Engineering in the amount of \$804,580.71, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Donald L. Oberg General Engineering 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 October, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-565

A RESOLUTION APPROVING APPROPRIATION TRANSFERS IN THE AMOUNT OF \$20,400 TO FULLY FUND THE STANDIFORD AVENUE ROAD CONSTRUCTION AND DRAINAGE IMPROVEMENTS PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfers are approved:

FROM: Pavement Maintenance \$20,000
(070 430 F682 6040)

TO: Standiford Avenue Overlay \$20,000
(070 430 F964 6040)

Condition of roadway is worse than anticipated at budget time and storm drainage work was not originally included with the project.

and;

FROM: Carpenter Road storm drainage \$30,000
(628 480 F747 6060)
Miscellaneous storm drains \$23,859
(628 480 H087 6040)
Rockwell Replacement Addition
(628 480 H089 6010) \$30,000
(628 480 H089 6040) \$ 3,270
(628 480 H089 6050) \$ 6,730

TO: Standiford Avenue Storm Drain \$93,859
(628 480 H046 6040)

Funds are needed to fund a portion of the drainage work not originally budgeted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, Serpa, Mayor
Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-566

A RESOLUTION ACCEPTING THE LALOMA/MORTON BRIDGE RIP RAP REPLACEMENT PROJECT AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the LaLoma/Morton Bridge rip rap replacement project, has been completed by Ross F. Carroll, Inc., in accordance with the contract agreement dated July 9, 1996.

NOW, THEREFORE, BE IT RESOLVED that the LaLoma Bridge rip rap replacement project, be accepted from said contractor, Ross F. Carroll, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$31,847.94 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk
⑥

MODESTO CITY COUNCIL
RESOLUTION NO. 96-567

A RESOLUTION PROVIDING FOR THE SALE OF
SURPLUS PROPERTY BY SEALED BID, PUBLIC
AUCTION, NEGOTIATION, 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 twelve (12) vehicles and
miscellaneous pieces of automotive equipment, one (1) lot of high
pressure CNG cylinders, and two (2) CNG compressors 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, 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 through negotiations,
and

WHEREAS, if the sealed bid process, the public auction
or the negotiation process does 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 twelve (12) vehicles and miscellaneous pieces of automotive equipment, one (1) lot of high pressure CNG cylinders, and two (2) CNG compressors, 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 through negotiations, and

SECTION 5. If said property cannot be sold on a sealed bid process, at a public auction, or through negotiations as provided for above, 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 22nd day of October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-568

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF COMPUTERS, PHOTOGRAPHIC, OFFICE, AUDIO AND VIDEO AND RELATED EQUIPMENT FOR THE MODESTO POLICE DEPARTMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of computer, photographic, office, audio and video related equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase of computers, photographic, office, audio and video and related equipment for a total cost of \$56,667.78 from vendors listed below is hereby approved.

Computer Equipment from Comtech for \$17,334.62 and Computers America for \$1,729.12; Audio & Video Equipment from Meadows for \$5,173.08 and Booth for \$4,197.94; Photographic Equipment from Northern for \$18,246.00 and Stanislaus Audio for \$4,006.91; and Office Equipment from Dictaphone for \$15,246.00 and Mocal for \$708.68.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-569

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF LOCAL AREA NETWORK (LAN) AND RELATED EQUIPMENT FROM COMPUSA

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of Local Area Network (LAN) and related equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase of Local Area Network (LAN) and related equipment for a total cost of \$22,411.14 from CompUSA is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1996, by Councilmember Friedman, who moved its 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, McClanahan, McKinsey, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-570**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO
RETURN THE REDEVELOPMENT AGENCY'S FUNDS BACK TO THE AGENCY BY
ACCEPTING THE TRANSFER OF \$226,000 FROM SPECIAL FUND FOR CAPITAL
OUTLAY TO REDEVELOPMENT FUND 907**

WHEREAS, in May 1996, the Redevelopment Agency transferred \$226,000 to the City for acquiring on behalf of the Agency at the Covell Hotel at tax sale;

WHEREAS, the bankruptcy court prevented the County from proceeding with the tax sale; therefore, requiring the Agency's funds to be returned to the Agency from the Special Fund for Capital Outlay;

WHEREAS, based on the bankruptcy court decision, the Agency is now ready to proceed to file for immediate possession of the Covell Hotel; therefore, the Agency must deposit the funds with the court;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to transfer \$226,000 from the Special Fund for Capital Outlay to Redevelopment Fund 907.

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 day of October 22, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Serpa and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher and McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-571**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO
APPROPRIATE \$16,500 FROM THE SPECIAL FUND FOR CAPITAL OUTLAY'S
CONTINGENCY RESERVE, ESTABLISHING A NEW CAPITAL IMPROVEMENT
PROGRAM PROJECT FO FUND CITY HALL APPRAISAL COSTS**

WHEREAS, the joint City/County study recommends that the current City Hall be sold to the County;

WHEREAS, in order to prepare for this transaction, the City needs to obtain an appraisal for the City Hall building;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate \$16,500 from the Special Fund for Capital Outlay's Contingency Reserve, establishing a new capital improvement project to fund City Hall appraisal costs.

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 day of October 22, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, Serpa and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher and McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-572

A RESOLUTION APPROVING AN AGREEMENT WITH LA LOMA PROPERTIES FOR THE RENTAL OF THE OFFICE AT 1550-A YOSEMITE BOULEVARD, FOR THE SOUTHEAST AREA POLICE SUBSTATION

BE IT RESOLVED by the Council of the City of Modesto that the agreement with La Loma Properties for the rental of the office at 1550-A Yosemite Boulevard, for the southeast 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 22nd day of October, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-573

A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO APPROPRIATE \$70,360 FOR EXPENDITURES ASSOCIATED WITH POLICE OFFICE SPACE AND TO ESTIMATE \$119,997 OF REVENUE FROM STATE REIMBURSEMENT OF CERTAIN POLICE TRAINING

WHEREAS, the Police Department is in critical need of additional office space and staff has explored many options by either expanding office space, creating different shifts, or space rental outside of the building;

WHEREAS, staff is recommending leasing two portable offices to be placed in the back Police parking lot, as well as environmental clean-up of lead and remodeling of the basement firing range to procure the office space needed;

WHEREAS, staff is recommending funding this office space, clean-up and remodeling by utilizing \$119,997 of one-time revenue resulting from State reimbursement of certain police training.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate \$70,360 for expenditures associated with police office space and to estimate \$119,997 of revenue from State reimbursement of certain police training.

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 day of October 22, 1996, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:


JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-574

A RESOLUTION ACCEPTING A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, (COPS) OFFICE, FOR "THE MODESTO PROJECT TO COMBAT DOMESTIC VIOLENCE".

WHEREAS, in 1995, the Modesto Police Department applied for a domestic violence grant from the U.S. Department of Justice, COPS Office, and

WHEREAS, the purpose of "The Modesto Project to Combat Domestic Violence" is to successfully address the problem of victim reluctance in the reporting, filing and prosecuting of domestic violence cases, and

WHEREAS, the level of police service to victims of domestic violence in the City of Modesto will be greatly enhanced by this grant project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts the grant offer from the U.S. Department of Justice, COPS Office, for "The Modesto Project to Combat Domestic Violence" to address the problem of victim reluctance in the reporting, filing and prosecuting of domestic violence cases.

BE IT FURTHER RESOLVED that the execution of the grant acceptance or other documents required in relation to acceptance of this grant by the City's designated official, J. Edward Tewes, City Manager, or his authorized designee, be and are hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-575**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET
INCREASING REVENUES IN ORGANIZATION #1942 BY \$199,991 AND
APPROPRIATING FUNDS FOR EXPENDITURE**

WHEREAS, in late 1995, the Police Department applied for a domestic violence grant from the U.S. Department of Justice and has now received final acceptance;

WHEREAS, the level of police services for domestic violence issues will be greatly enhanced by this grant project by providing extensive public information and education, additional assistance to domestic violence victims, and addressing the problem of victim reluctance in the reporting, filing and prosecution of domestic violence cases. Three additional staff members will be hired and form a Domestic Violence Unit which will provide additional videotaping and follow-up interviews with victims, witnesses and suspects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to increase revenues in Organization #1942 by \$199,991 as follows:

Employee Services	\$151,603
For salaries/benefits of one Police Detective, one Community Service Officer and one Police Clerk	
Professional and Contractual Services	\$ 1,760
For five days in Washington DC, or another national location, for a "Community Policing to Combat Domestic Violence" Conference	
Materials and Supplies	\$ 4,200
For blank disks, video tapes and audio cassette tapes	
Capital (Non-CIP)	\$ 42,428
For Computers, Digital Camera Systems, Video Players, Camcorders, Cassette Recording Machines, Telephone Answering Machines, Tape Transcribing Machine, and \$6,643 in equipment for the Haven Women's Center, the Department's non-profit community-based partner agency	

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 day of October 22, 1996, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and Mayor Lang

NOES: None

ABSENT: None

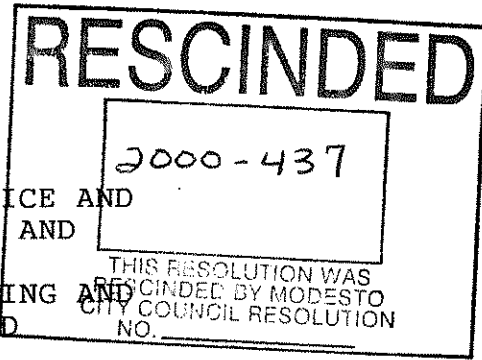
ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-576



A RESOLUTION RESTATING TERMS OF OFFICE AND PROCEDURES FOR THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE TO REDESIGNATE SEAT NO. 10 OF THE HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, AND RESCINDING RESOLUTION NO. 91-690.

WHEREAS, the City Council has established citizens committees thereof to advise the Council on the City's Housing and Community Development Act (HCDA) Program, and

WHEREAS, terms of office and other procedures for said committees are specified in Council Resolution 91-690, and

WHEREAS, the Council desires to redesignate Seat No. 10 of the Housing and Community Development Committee from "Chairperson, Neighborhood Advisory Committee #3" to "Low or Moderate Income Citizen",

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

A. Committee Titles and Roles.

The Committee titles and roles as hereinafter stated are hereby established.

- 1. Title: Citizens Housing and Community Development Committee.

Role: To provide overall review and make recommendations to the City Council regarding the City's HCDA program and its projects; to review the annual HCDA application, including the Housing Assistance Plan; to monitor and evaluate the entire program and committee effectiveness; to involve

citizens in the program; and to formulate and transmit recommendations regarding policy matters to the City Council.

2. Title: Housing Maintenance and Counseling Committee.

Role: To develop the Housing Maintenance Program, especially the procedural manual including administrative procedures and policies; to develop a relocation program including provisions for emergency housing; to develop a counseling program; to monitor and evaluate these housing maintenance and counseling efforts; to involve citizens in the program; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.

3. Title: Housing Rehabilitation Loan Committee.

Role: To develop a rehabilitation loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of governmental and private sector commitment of funds; to monitor and evaluate these rehabilitation loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Housing Rehabilitation programs; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.

4. Title: Economic Development Loan Committee.

Role: To develop an economic development loan pool, especially the procedural manual including administrative procedures and policies for loan funds, eligibility, and extent of governmental and private sector commitment of funds; to monitor and evaluate these economic development loan pool efforts; to involve citizens in the program; to consider and approve requests for loans through the City Economic Development Revolving Loan Fund; and to formulate and transmit recommendations regarding policy matters to the Citizens Housing and Community Development Committee.

B. Committee Membership Composition and Terms.

Committee membership composition and terms of office shall be as follows:

1. Terms of Office

- a. There shall be a two term maximum for any person.
- b. Full terms shall be four years.
- c. A partial term of two or more years shall be considered a full term.

2. Membership Composition

All regular Committee members shall be appointed by the City Council. The two alternate members of the Housing Rehabilitation Loan Committee shall be appointed as follows:

Alternate Seat No. 8 - A member of the Citizens Housing and Community Development Committee who volunteers to be an Alternate delegate shall be approved by the Chairperson of the Citizens Housing and

Community Development Committee and the Chairperson of the Housing Rehabilitation Loan Committee.

Alternate Seat No. 9 - A member of the Housing Authority of Stanislaus County who volunteers to be an Alternate delegate shall be approved by the Executive Director of the Housing Authority of Stanislaus County, the Chairperson of the Citizens Housing and Community Development Committee, and the Chairperson of the Housing Rehabilitation Loan Committee.

a. Citizens Housing and Community Development Committee.

- Seat No. 1 - City Council Member
- Seat No. 2 - Citizen at Large
- Seat No. 3 - Board of Supervisors Member
- Seat No. 4 - Planning Commissioner
- Seat No. 5 - Human Relations Commissioner or Citizen at Large
- Seat No. 6 - Citizen at Large
- Seat No. 7 - Citizen at Large
- Seat No. 8 - Chairperson, Housing Maintenance and Counseling Committee
- Seat No. 9 - Chairperson, Housing Rehabilitation Loan Committee
- Seat No. 10 - Low or Moderate Income Citizen
- Seat No. 11 - Chairperson, Economic Development Loan Committee

b. Housing Maintenance and Counseling Committee.

- Seat No. 1 - City Council Member
- Seat No. 2 - Planning Commissioner
- Seat No. 3 - Human Relations Commissioner or Citizen at Large
- Seat No. 4 - Provider of Shelter
- Seat No. 5 - Provider of Services
- Seat No. 6 - Provider of Services or Program User
- Seat No. 7 - Provider of Services or Program User

c. Housing Rehabilitation Loan Committee.

- Seat No. 1 - City Council Member
- Seat No. 2 - Human Relations Commissioner or Citizen at Large
- Seat No. 3 - Financial Institution or Provider of Services

- Seat No. 4 - Provider of Shelter or Program User
- Seat No. 5 - Representative of Financial Institutions
- Seat No. 6 - Provider of Shelter or Services
- Seat No. 7 - Provider of Services or Program User
- Seat No. 8 - Alternate, Citizens Housing and Community Development Committee
- Seat No. 9 - Alternate, Housing Authority of Stanislaus County

d. **Economic Development Loan Committee**

- Seat No. 1 - Council Member
- Seat No. 2 - Commercial Financial Institution
- Seat No. 3 - Commercial Financial Institution
- Seat No. 4 - Business Institution
- Seat No. 5 - Business Institution
- Seat No. 6 - Low Income/Minority Citizen
- Seat No. 7 - Low Income/Minority Citizen

C. Chairperson and Vice Chairpersons.

1. Chairpersons for the Citizens Housing and Community Development Committee, the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee shall be appointed by the City Council.

2. Vice Chairperson for the Citizens Housing and Community Development Committee, the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee shall be elected by the respective committees.

3. Full terms of office of Chairpersons and Vice Chairpersons of the committees shall be four years commencing on

July 1 of a given year and ending on June 30 four years later. Incumbents may serve more than one term.

D. Quorum and Voting.

1. A quorum shall be six persons for the Citizens Housing and Community Development Committee and four persons each for the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee and the Economic Development Loan Committee.

2. To take formal action, six affirmative votes shall be necessary for the Citizens Housing and Community Development Committee. To take formal action, a vote of a majority of those present, as long as at least a quorum is present, shall be necessary for the Housing Maintenance and Counseling Committee, the Housing Rehabilitation Loan Committee, and the Economic Development Loan Committee.

3. The Housing Rehabilitation Loan Committee, in order to guarantee a quorum necessary for each meeting, may have two Alternate members who shall be invited to each Committee meeting. These two Alternate delegates may participate in all discussions, but shall not vote on any action, unless their attendance is necessary to make a Committee quorum.

E. Staff.

The Community Development Department shall provide staff support for the Housing and Community Development Act Committees and coordinate assistance from other City departments.

BE IT FURTHER RESOLVED that City Council Resolution No. 91-690 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-577

A RESOLUTION APPROVING AN OPERATIONAL LETTER OF AGREEMENT WITH BARTON ATC INTERNATIONAL, TOWER MANAGER, FOR AIRPORT EMERGENCY SERVICE

BE IT RESOLVED by the Council of the City of Modesto that the operational letter of agreement with Barton ATC International for Airport emergency service at the Modesto City County Airport be, and it is hereby resolved.

BE IT FURTHER RESOLVED that the execution of said letter 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 22nd day of October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

Check

MODESTO CITY COUNCIL
RESOLUTION NO. 96-578

A RESOLUTION APPROVING AN APPLICATION FOR \$60,000 FROM THE STATE TRANSIT CAPITAL IMPROVEMENT (TCI) PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT APPLICATION, GRANT AGREEMENT, AND OTHER GRANT-RELATED DOCUMENTS.

WHEREAS, the Transit Capital Improvement Program makes funds available for bus refurbishing projects, providing up to fifty percent of the non-federal share of the cost of the project, and

WHEREAS, the City of Modesto would be eligible to receive a maximum of \$60,000 for the refurbishing of nine 1983 Gillig Buses, and

WHEREAS, a report dated October 14, 1996, from the Public Works & Transportation Department recommended approval of an application for \$60,000 from the State Transit Capital Improvement (TCI) Program and recommended authorizing the City Manager to execute the grant application, grant agreement, and other grant-related documents, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on October 22, 1996, the City Council considered said recommendations,

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

1. The City of Modesto has the financial and institutional ability to implement the project and City of Modesto is empowered to let a contract and to sue or be sued by another entity or person.

2. That this project will be available to the general public, or its primary purpose will be to benefit the public and does not benefit a private entity or individual.
3. That the matching funds required for this project are available and committed to this project. Committed funds have received necessary authorizations and the City of Modesto has authority to expend the funds.
4. That if the project exceeds the state funds available, the City of Modesto shall use other funds to backfill the cost increase to complete the project.
5. That the City of Modesto will comply with the Commission's Timely Use of Funds Policies, and funds will be encumbered within fifteen months.

BE IT FURTHER RESOLVED that authorization is hereby granted to submit an application for \$60,000 with the State Transit Capital Improvement (TCI) Program, and the City Manager or his authorized designee are hereby authorized to execute the grant application, grant agreement, and other grant-related documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-579

A RESOLUTION APPROVING A LOAN AGREEMENT WITH SAM AND MALCHY TOMA, DBA BEST WAY FOOD STORE, FOR \$15,000 OF COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN PROGRAM FUNDS

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Sam and Malchy Toma, dba Best Way Food Store, for \$15,000 of Community Development Block Grant Small Business Loan Program funds be, and it is hereby resolved.

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 October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-580

A RESOLUTION APPROVING AN AGREEMENT WITH TURLOCK FITNESS CENTER (A.K.A. BRENDA FITNESS CLUBS) TO PROVIDE PERSONAL FITNESS INSTRUCTION FOR THE FIRE FIGHTER PHYSICAL FITNESS PROGRAM

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Turlock Fitness Center (a.k.a. Brenda Fitness Clubs) to provide personal fitness instruction for the Fire Fighter Physical Fitness Program be, and it is hereby resolved.

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 October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-581

A RESOLUTION APPROVING AN AGREEMENT WITH YOUNG OLYMPIANS FOR CO-SPONSORING
YOUTH SELF DEFENSE CLASSES

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Young Olympians for co-sponsoring youth self defense classes be, and it is hereby resolved.

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 October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-582

A RESOLUTION APPROPRIATING \$1,000 OF
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR
THE 1996 HOMELESS VETERANS STAND DOWN
PROGRAM.

WHEREAS, Dave Haley, Secretary for the Homeless Veterans Stand Down Committee, made a presentation to the City Council on October 1, 1996, relating to the Homeless Veterans Committee activity, to conduct three days of health and dental screening, eye examinations, and mental health, drug and alcohol counseling on October 18 through October 20, 1996, which program is to be funded entirely from donations and voluntary assistance from public agencies in the region, and

WHEREAS, on October 15, 1996, the Financial Policy Committee met and considered the matter and recommended to the City Council the expenditure of \$1,000 to support the Homeless Veterans Stand Down Committee program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the expenditure of \$1,000 of Community Department Block Grant Funds are hereby approved to support the Homeless Veterans Stand Down Committee program for three days of health and dental screening, eye examinations, and mental health, drug and alcohol counseling.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

22A

MODESTO CITY COUNCIL
RESOLUTION NO. 96-583

A RESOLUTION SUPPORTING THE SELECTION OF THE
ALTAMONT PASS CORRIDOR FOR HIGH SPEED RAIL
DEVELOPMENT BY THE CALIFORNIA HIGH SPEED RAIL
COMMISSION.

WHEREAS, the California High Speed Rail Commission has, at
its August 5, 1996 meeting, approved use of the proposed Highway 99 -
Altamont Pass Corridor for the High Speed Rail tracks between Los
Angeles and the San Francisco Bay Area, and

WHEREAS, approval of the Altamont Pass Corridor to cross the
mountains from the San Joaquin Valley to the San Francisco Bay Area
offers numerous and significant transportation and economic benefits for
the highly populated and rapidly growing northern San Joaquin Valley
Counties,

NOW, THEREFORE, BE IT RESOLVED, the City of Modesto hereby
supports the California High Speed Rail Commission for its approval of
the Altamont Pass Corridor for the development of a High Speed Rail
system between the San Joaquin Valley and the San Francisco Bay Area for
the reasons set forth above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-584**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 CAPITAL
IMPROVEMENT PROGRAM BUDGET AND APPROPRIATING \$50,000 FOR THE
LUCAS PLAZA PROJECT**

WHEREAS, the ad hoc committee has discussed the construction of the Lucas Plaza Project with the Financial Policy Committee and believe that rehabilitation of the site and placement of the bronze structure would be not only a beautification for that area but a fitting tribute to one of Modesto's more notable citizens;

WHEREAS, it is necessary to create a city project which will receive funds from the Redevelopment Agency and expend them as the city's share toward construction of the Lucas Plaza Project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a project in the 1996-97 Capital Improvement Program Budget in the amount of \$50,000 be established for the Lucas Plaza Project, creating Account #908-140-H049.

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 day of October 22, 1996, by Councilmember Friedman, 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 Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and Mayor Lang

NOES: None

ABSENT: None

ATTEST:



JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 

STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-585

A RESOLUTION APPROVING AN AGREEMENT WITH LUCAS PLAZA PROJECT COMMITTEE FOR PURPOSES OF CONSTRUCTING THE FACILITY AND ACQUIRING A BRONZE SCULPTURE FROM BETTY SALETTA

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Lucas Plaza Project Committee for purposes of constructing the facility and acquiring a bronze from Betty Saletta be, and it is hereby resolved.

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 October, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-586

A RESOLUTION APPOINTING ANDRE DAVID TO THE CITY OF MODESTO DOWNTOWN
IMPROVEMENT DISTRICT ADVISORY BOARD

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

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

SECTION 1. Andre David is hereby appointed to the Downtown Improvement District Advisory Board with term expiration of January 1, 1997.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Downtown Improvement District Advisory 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 22nd day of October, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-587

A RESOLUTION APPOINTING WILLIAM A. STEWART TO THE CITY OF MODESTO 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. William A. Stewart is hereby appointed to the Landmark
Preservation Commission with 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 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 22nd day of October, 1996, by
Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-588

A RESOLUTION APPOINTING MARY GROGAN TO THE TUOLUMNE RIVER REGIONAL PARK
CITIZENS 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. Mary Grogan is hereby appointed to the Tuolumne River
Regional Park Citizens Committee with term expiration of January 1, 1998.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this
resolution to the newly appointed member of the Tuolumne River Regional Park
Citizens Committee and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 22nd day of October, 1996, by
Councilmember Friedman, who moved its 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, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-589

A RESOLUTION DENYING THE APPEAL OF L.D. CROUSE TO A DECISION OF THE URBAN FORESTRY SUPERINTENDENT REGARDING THE REMOVAL OF A MODESTO ASH STREET TREE ON PROPERTY LOCATED BETWEEN 218 AND 222 CAMELLIA WAY IN THE LA LOMA NEIGHBORHOOD.

WHEREAS, there is a Modesto Ash City street tree located between 218 and 222 Camellia Way in the La Loma neighborhood which is approximately 46 years old, and

WHEREAS, approximately 14 years ago the tree had limb failures and was cabled in an effort to preserve the tree, and

WHEREAS, recently the Parks and Recreation Urban Forestry staff again inspected the tree and determined that the tree has had another limb failure and is at the end of its productive life, and

WHEREAS, the City Arborist determined that the tree should be removed, as there is significant cause for concern about the continued viability of the existing cabling system or the advisability of adding more cables, and

WHEREAS, on September 29, 1996, a Notice of Appeal from L.D. Crouse was filed with the City Clerk's Office regarding the removal of the Modesto Ash street tree, located on the boundary line of 218 and 222 Camellia Way, and

WHEREAS, said appeal to the decision of the Parks and Recreation Department was set for a public hearing before the City Council at its regular meeting place in the City Council

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, by Councilmember McClanahan, 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-589A

A RESOLUTION APPROVING AN AGREEMENT WITH COMPUTER PATHWAYS, INC. FOR LEASE OF THE INTERIOR CARD RACK SPACE ON THE CITY'S BUSES

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Computer Pathways, Inc. for the lease of the interior card rack space on the City's buses, be and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Cogdill, Serpa

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-590

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING UTILITY BILLING SOFTWARE AND RELATED INSTALLATION FOR THE FINANCE DEPARTMENT'S CUSTOMER SERVICES 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 utility billing software and related installation for the Finance Department's Customer Services Division, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on Tuesday, December 10, 1996 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-591

A RESOLUTION ACCEPTING THE BID OF BIBENS NURSERY FOR FURNISHING EIGHT (8) BACKFLOW PREVENTION DEVICES UPGRADE AND RELATED INSTALLATION

WHEREAS, Resolution No. 96-252, adopted by the Council of the City of Modesto on May 14, 1996 approved the specifications for furnishing eight (8) backflow prevention devices upgrade and related installation; and

WHEREAS, the bids received for furnishing eight (8) backflow prevention devices upgrade and related installation, were opened at 11:00 a.m. on June 11, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, during the bid evaluation process, staff saw that the pricing submitted was so widespread that staff recommended bids be rejected; and

WHEREAS, Res. 96-528, adopted on September 24, 1996, rejected bids received on June 11, 1996 and called for re-bids to be opened at 11:00 a.m. on October 16, 1996; and

WHEREAS, the bids received for furnishing eight (8) backflow prevention devices upgrade and related installation, were opened at 11:00 a.m. on October 16, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Bibens Nursery for a total amount of \$25,302.33 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Bibens Nursery 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 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-592

A RESOLUTION ACCEPTING THE PROJECT TITLED ROCKWELL REPLACEMENT/ADDITION 95/96
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Rockwell Replacement/Addition 95/96, has been completed by Teichert Construction, in accordance with the contract agreement dated July 5, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Rockwell Replacement/Addition 95/96 be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$322,414.62 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-593

A RESOLUTION ACCEPTING THE PROJECT TITLED EVERGREEN LIFT STATION
REHABILITATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Evergreen Lift Station Rehabilitation, has been completed by Conco-West, in accordance with the contract agreement dated December 12, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Evergreen Lift Station Rehabilitation be accepted from said contractor, Conco-West; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$90,500.00 as provided in the contract, with an additional \$1,405.00 per one change order, for a total of \$91,905.00, 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 November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor
Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-594

A RESOLUTION ACCEPTING THE PROJECT TITLED "SIDEWALK REPAIRS - SPRING 1996" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Sidewalk Repairs - Spring 1996, has been completed by Central California Pavement Company, in accordance with the contract agreement dated April 23, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Sidewalk Repairs Spring 1996 be accepted from said contractor, Central California Pavement Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$118,546.36, which was a result of two change orders totaling \$577.37 added to the original amount of \$117,968.99 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 November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-595

A RESOLUTION ACCEPTING THE PROJECT TITLED "PROJECT NO. 22 - REPLACE CURB, DRIVE APRONS AND SIDEWALKS" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Project No. 22 - Replace Curb, Drive Aprons, and Sidewalks has been completed by BDS Construction Inc., in accordance with the contract agreement dated June 11, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Project No. 22 - Replace Curb, Drive Aprons, and Sidewalks be accepted from said contractor, BDS Construction Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$140,951.19 which is \$15,687.04 above the original \$125,264.15 as a result of 10 additional locations being added to 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 November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-596

A RESOLUTION ACCEPTING THE PROJECT TITLED "CROWS LANDING DRAINAGE BASIN
OUTFALL REBUILD" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Crows Landing Drainage Basin Outfall Rebuild, has been completed by Wickum Construction, in accordance with the contract agreement dated July 9, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Crows Landing Drainage Basin Outfall Rebuild be accepted from said contractor, Wickum Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$24,530.24, which is the result of one change order adding \$842.24 to the original \$23,688.00 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 November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-597

A RESOLUTION ACCEPTING THE PROJECT TITLED "GATE MODIFICATION FOR CLARIFIER NO. 1 AND 2 AT THE WATER QUALITY CONTROL PLANT" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Gate Modification for Clarifier No. 1 and 2 at the Water Quality Control Plant, has been completed by Conco-West Inc., in accordance with the contract agreement dated February 7, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Gate Modification for Clarifier No. 1 and 2 at the Water Quality Control Plant, be accepted from said contractor, Conco-West Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$98,629.30, a result of two change orders adding \$2,029.30 to the original amount 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 November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-598

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$1,900.00 TO FULLY FUND GATE MODIFICATION FOR CLARIFIER #1 AND #2 AT THE WATER QUALITY CONTROL PLANT

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

FROM: 621 480 F733 6010; \$1,900.00

TO: 621 480 E538 6040; \$1,900.00

Delivery of materials that had long lead times, and the interruption to the project by the cannery season resulted in a longer construction period than was originally anticipated. Consequently, additional staff time was incurred for which funds were not originally allotted. The appropriation transfer is to cover those costs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-599**

**A RESOLUTION AMENDING THE ANNUAL BUDGET OF THE CITY OF MODESTO
FOR THE FIRST QUARTER OF FISCAL YEAR 1996-97**

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 1996-97;

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 day of November 5, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, Serpa
and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

ATTACHMENT A

Type of Account	Description	Fund	Agy	Orgn	Appr Unit	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Appropriation	Professional Services	010	020	0201	02B	0235	220,000	14,000	234,000
Appropriation	Salaries	010	030	0301	03A	0110	349,761	6,000	355,761
Appropriation	Salaries	010	050	0501	05A	0110	130,343	2,600	132,943
Appropriation	Professional Services	010	050	0501	05B	0235	8,300	1,738	10,038
Appropriation	Professional Services	010	120	1210	12B	0235	13,500	9,000	22,500
Appropriation	Interest Expense	010	120	1210	12D	0452	140,126	25,663	165,789
Appropriation	Cost of Issuance	010	120	1210	12D	0454	14,897	(1,566)	13,331
Appropriation	Tourism	010	140	1421	21D	1006	216,298	13,757	230,055
Appropriation	N. Empire Plan	010	140	1430	23K	1404	0	38,205	38,205
Appropriation	Kiernan/Carver Malik	010	140	1430	23L	1406	0	138,000	138,000
Appropriation	Salaries	010	180	1802	18A	0110	330,986	1,165	332,151
Appropriation	Benefits	010	180	1802	18A	0160	58,363	268	58,631
Appropriation	Salaries	010	180	1822	18A	0110	298,490	395	298,885
Appropriation	Benefits	010	180	1822	18A	0160	49,397	86	49,483
Appropriation	Salaries	010	180	1832	18A	0110	5,938,347	48,166	5,986,513
Appropriation	Benefits	010	180	1832	18A	0160	1,701,483	10,632	1,712,115
Appropriation	Salaries	010	190	1901	19A	0110	283,234	439	283,673
Appropriation	Benefits	010	190	1901	19A	0160	61,081	96	61,177
Appropriation	Crime Prevention Project	010	190	1901	19E	5573	0	10,000	10,000
Appropriation	Salaries	010	190	1921	19A	0110	2,497,937	6,559	2,504,496
Appropriation	Benefits	010	190	1921	19A	0160	474,276	1,457	475,733
Appropriation	Salaries	010	190	1941	19A	0110	1,846,864	14,542	1,861,406
Appropriation	Benefits	010	190	1941	19A	0160	464,925	3,217	468,142
Appropriation	Salaries	010	190	1961	19A	0110	6,812,273	43,147	6,855,420
Appropriation	Benefits	010	190	1961	19A	0160	1,619,822	9,811	1,629,633
Appropriation	Equipment Rental	010	190	1961	19B	0218	1,398,612	45,000	1,443,612
Appropriation	Salaries	010	190	1962	19A	0110	738,657	4,790	743,447
Appropriation	Benefits	010	190	1962	19A	0160	125,535	1,111	126,646
Appropriation	Salaries	010	190	1963	19A	0110	217,976	1,939	219,915
Appropriation	Benefits	010	190	1963	19A	0160	50,874	453	51,327
Appropriation	Salaries	010	190	1963	19A	0110	219,915	150,000	369,915
Appropriation	Parttime	010	310	3112	31A	0140	331,527	4,128	335,655
Appropriation	Benefits	010	310	3112	31A	0160	228,285	372	228,657
Appropriation	Real Property Supplies	010	310	3112	31C	0360	107,818	3,045	110,863
Appropriation	Equipment	010	310	3112	31E	5574	0	12,520	12,520
Appropriation	Professional Services	010	370	3715	37B	0235	8,825	460	9,285
Appropriation	Real Property Maintenance &	010	460	4612	46C	0360	295,384	(146,000)	149,384
Appropriation	Transfer out from Fund 040	040	700	7000		7010	0	205,000	205,000
Appropriation	Transfer out from Fund 070	070	700	7000	07G	7010	2,496,960	(146,000)	2,350,960
Appropriation	Transfer out from fund 051	051	700	7000	06G	7070	0	105,000	105,000
Appropriation	Transfer out from Fund 010	010	700	7000	01G	7130	903,521	148,273	1,051,794
Appropriation	Transfer out from Fund 040	040	700	7000		7720	0	210,000	210,000
Appropriation	Transfer out from Fund 010	010	701	7001	01L	7140	0	419,000	419,000
Appropriation	Sidewalk program 96-97 (stree	070	430	H060	060	6040	0	146,000	146,000
Appropriation	Professional Services	080	140	1433	81B	0235	18,000	30,000	48,000
Appropriation	Indirect Cost	090	140	1442	09B	0251	0	2,223	2,223
Appropriation	Transfer out from Fund 090	090	700	7000	09G	7010	2,223	(2,223)	0
Appropriation	Indirect Cost	113	140	1452	22B	0251	0	213,273	213,273
Appropriation	Service Credits	113	140	1452	22F	9990	(82,326)	10,725	(71,601)
Appropriation	Service Credits	113	140	1456	22F	9990	(25,494)	4,353	(21,141)

ATTACHMENT A

Type of Account	Description	Fund	Agy	Orgn	Appr Unit	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Appropriation	Transfer out from Fund 113	113	700	7000	22G	7010	235,063	(213,273)	21,790
Appropriation	Conference Expense	117	140	1458	26B	0207	2,500	(504)	1,996
Appropriation	Services, City Forces	117	140	1458	26B	0255	56,817	(15,078)	41,739
Appropriation	Miscellaneous Svc	117	140	1458	26B	0260	59,118	(59,118)	0
Appropriation	Direct Loans	117	140	1458	26D	0497	1,020,155	169,598	1,189,753
Appropriation	Direct Loans	117	140	1459	26D	0497	177,873	2,210	180,083
Appropriation	Direct Grants	118	140	1468	28D	0496	0	67,000	67,000
Appropriation	Transfer out from fund 130	130	700	7000	30G	7340	0	20,982	20,982
Appropriation	Woodland/Martone Park-Land	140	310	H058	058	6030	0	569,000	569,000
Appropriation	Highway Village Park	140	310	H059	059	6040	0	50,000	50,000
Appropriation	Scenic Overlook Land Acquisit	170	310	H067	067	6030	0	855,000	855,000
Appropriation	Hetch-Hetchy Ph II	170	310	H976	976	6010	40,000	(35,000)	5,000
Appropriation	Hetch-Hetchy Ph II	170	310	H976	976	6040	409,000	(379,000)	30,000
Appropriation	Hetch-Hetchy Ph II	170	310	H976	976	6050	33,000	(33,000)	0
Appropriation	Hetch-Hetchy Ph II	170	310	H976	976	6060	40,000	(40,000)	0
Appropriation	Transfer out from fund 290	290	700	7000		7130	0	544,005	544,005
Appropriation	Transfer out from Fund 290	290	700	7000		7628	346,000	(346,000)	0
Appropriation	Transfer out from fund 300	300	700	7000		7070	0	83,369	83,369
Appropriation	Transfer out from fund 300	300	700	7000		7130	0	209,395	209,395
Appropriation	Transfer out from fund 300	300	700	7000		7290	0	5,707	5,707
Appropriation	Transfer out from fund 310	310	700	7000		7130	0	12,643	12,643
Appropriation	Transfer out from fund 290	320	700	7000		7130	0	130,554	130,554
Appropriation	Transfer out from fund 330	330	700	7000		7070	0	59,730	59,730
Appropriation	Transfer out from fund 290	330	700	7000		7130	0	42,509	42,509
Appropriation	Transfer out from fund 330	330	700	7000		7300	0	61,651	61,651
Appropriation	Indirect Cost	600	160	1682	60B	0251	0	2,579	2,579
Appropriation	Transfer out from Fund 600	600	700	7000	60G	7010	8,979	(2,579)	6,400
Appropriation	Indirect Cost	610	480	5012	61B	0251	0	437,077	437,077
Appropriation	Transfer out from Fund 610	610	700	7000	61G	7010	1,556,455	(437,077)	1,119,378
Appropriation	Indirect Cost	615	480	5051	85B	0251	0	107,420	107,420
Appropriation	Transfer out from Fund 615	615	700	7000	85G	7010	680,608	(107,420)	573,188
Appropriation	Indirect Cost	616	480	5061	86B	0251	0	71,328	71,328
Appropriation	Transfer out from Fund 616	616	700	7000	86G	7010	116,643	(71,328)	45,315
Appropriation	Indirect Cost	621	480	5201	62B	0251	0	644,332	644,332
Appropriation	Chemical and Lab supplies	621	480	5213	62C	0312	395,535	(51,350)	344,185
Appropriation	Chemical and Lab supplies	621	480	5214	62C	0312	134,078	(13,650)	120,428
Appropriation	Transfer out from Fund 621	621	700	7000	62G	7010	2,783,062	(644,332)	2,138,730
Appropriation	Indirect Cost	628	480	5312	68B	0251	0	132,203	132,203
Appropriation	Transfer out from Fund 628	628	700	7000	68G	7010	277,830	(132,203)	145,627
Appropriation	Merle Basin Modification	628	480	H086	086	6010	26,000	(26,000)	0
Appropriation	Merle Basin Modification	628	480	H086	086	6040	260,000	(260,000)	0
Appropriation	Merle Basin Modification	628	480	H086	086	6050	39,000	(39,000)	0
Appropriation	Merle Basin Modification	628	480	H086	086	6060	21,000	(21,000)	0
Appropriation	Indirect Cost	631	480	5412	63B	0251	0	30,387	30,387
Appropriation	Transfer out from Fund 631	631	700	7000	63G	7010	30,387	(30,387)	0
Appropriation	Gen Aviation & Terminal Secu	632	480	H073	073	6010	25,000	(2,003)	22,997
Appropriation	Gen Aviation & Terminal Secu	632	480	H073	073	6040	186,000	(14,384)	171,616
Appropriation	Gen Aviation & Terminal Secu	632	480	H073	073	6060	24,000	(1,820)	22,180
Appropriation	Runway 10L/28R Holding Bay	632	480	H076	076	6010	31,000	(2,305)	28,695
Appropriation	Runway 10L/28R Holding Bay	632	480	H076	076	6040	178,000	(13,006)	164,994

ATTACHMENT A

Type of Account	Description	Fund	Agy	Orgn	Appr Unit	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Appropriation	Runway 10L/28R Holding Bay	632	480	H076	076	6060	17,000	(1,152)	15,848
Appropriation	Indirect Cost	651	480	5612	66B	0251	0	187,168	187,168
Appropriation	Transfer out from Fund 651	651	700	7000	65G	7010	187,168	(187,168)	0
Appropriation	Delivery Service	660	330	3311	33B	0245	0	5,000	5,000
Appropriation	Indirect Cost	660	330	3311	33B	0251	0	102,255	102,255
Appropriation	Phone-Creekside	660	330	3316	33E	5572	0	4,500	4,500
Appropriation	Transfer out from Fund 660	660	700	7000	33G	9010	102,255	(102,255)	0
Appropriation	Other Liability Insurance	670	340	3412	34D	0415	12,785	7,000	19,785
Appropriation	6 Police Vehicles	720	480	5814	72E	5571	0	210,000	210,000
Appropriation	Professional Services	731	030	0372	73B	0235	2,500	8,000	10,500
Appropriation	Equipment	780	350	3512	35E	5575	0	10,130	10,130
Revenue	Miscellaneous Revenue	010	050	0501		8155	0	1,426	1,426
Revenue	Interest	010	120	1210		6101	203,223	7,732	210,955
Revenue	Premium	010	120	1210		6118	0	22,295	22,295
Revenue	SB90 Reimbursement	010	120	1210		8127	7,000	9,000	16,000
Revenue	Building Fee - All Inclusive	010	140	1401		4001	143,325	66,675	210,000
Revenue	Building Inspections	010	140	1401		4002	379,440	32,560	412,000
Revenue	Plumbing Inspections	010	140	1401		4003	43,228	5,972	49,200
Revenue	Electrical Inspections	010	140	1401		4004	56,977	3,023	60,000
Revenue	Heating/Cooling Inspections	010	140	1401		4005	25,051	2,174	27,225
Revenue	Mobile Home Inspections	010	140	1401		4006	15,300	(4,100)	11,200
Revenue	Plan Checking Fees	010	140	1401		4007	178,500	36,500	215,000
Revenue	Zoning Fees	010	140	1401		4008	23,100	14,900	38,000
Revenue	Environmental Fees	010	140	1401		4009	29,018	(11,398)	17,620
Revenue	Plot Plan Review	010	140	1401		4010	15,015	(1,690)	13,325
Revenue	Subdivision Application/Devel	010	140	1401		4011	13,125	2,075	15,200
Revenue	Annexation Fees	010	140	1401		4012	473	77	550
Revenue	Earthquake Fees	010	140	1401		4014	800	200	1,000
Revenue	Developers' Share of Project	010	140	1430		4058	0	174,000	174,000
Revenue	Abandoned Vehicle	010	190	1961		3118	160,000	(160,000)	0
Revenue	Safety Response Reimburseme	010	190	1961		4029	103,000	(63,000)	40,000
Revenue	Abandoned Vehicle	010	190	1965		3118	0	160,000	160,000
Revenue	Equipment Rental	010	310	3112		4962	2,300	2,500	4,800
Revenue	Transfer In to Fund 010	010	700	7000		9040	0	205,000	205,000
Revenue	Transfer In to Fund 010	010	700	7000		9070	2,496,960	(146,000)	2,350,960
Revenue	Transfer In to Fund 010	010	700	7000		9090	2,223	(2,223)	0
Revenue	Transfer In to Fund 010	010	700	7000		9113	235,063	(213,273)	21,790
Revenue	Transfer In to Fund 010	010	700	7000		9600	8,979	(2,579)	6,400
Revenue	Transfer In to Fund 010	010	700	7000		9610	1,556,455	(437,077)	1,119,378
Revenue	Transfer In to Fund 010	010	700	7000		9615	680,608	(107,420)	573,188
Revenue	Transfer In to Fund 010	010	700	7000		9616	116,643	(71,328)	45,315
Revenue	Transfer In to Fund 010	010	700	7000		9621	2,783,062	(644,332)	2,138,730
Revenue	Transfer In to Fund 010	010	700	7000		9628	277,830	(132,203)	145,627
Revenue	Transfer In to Fund 010	010	700	7000		9631	30,387	(30,387)	0
Revenue	Transfer In to Fund 010	010	700	7000		9651	187,168	(187,168)	0
Revenue	Transfer In to Fund 010	010	700	7000		9660	102,255	(102,255)	0
Revenue	Current Year Taxes- Secured	010	510	9510		1101	6,320,542	(136,179)	6,184,363
Revenue	Property Tax (formerly in Park	010	510	9510		1102	263,354	(4,764)	258,590
Revenue	Current Year Taxes- Unsecure	010	510	9510		1107	316,137	3,611	319,748

ATTACHMENT A

Type of Account	Description	Fund	Agy	Orgn	Appr Unit	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Revenue	Supplemental Roll	010	510	9510		1110	112,200	(48,620)	63,580
Revenue	In-Lieu Property Tax	010	510	9510		1116	21,224	(12,254)	8,970
Revenue	Highway Village Property Tax	010	510	9510		1117	0	12,000	12,000
Revenue	Property Transfer Tax	010	510	9510		1119	209,502	5,498	215,000
Revenue	Sales & Use Tax	010	510	9510		1201	17,077,500	222,500	17,300,000
Revenue	Utility Users Tax	010	510	9510		1204	10,591,155	(99,155)	10,492,000
Revenue	Transient Occupancy Tax	010	510	9510		1210	1,622,232	52,768	1,675,000
Revenue	Cable TV Franchise	010	510	9510		1301	630,360	(11,010)	619,350
Revenue	Garbage Franchise	010	510	9510		1307	962,000	(22,000)	940,000
Revenue	Business License Registration	010	510	9510		1401	358,648	(9,967)	348,681
Revenue	Business License Mill Tax	010	510	9510		1404	4,692,690	107,310	4,800,000
Revenue	Telecommunication Grant	010	510	9510		3302	13,793	(13,793)	0
Revenue	Parks Reservation Fee	010	510	9510		4066	15,000	(15,000)	0
Revenue	Indirect Cost	010	510	9510		4908	0	1,930,245	1,930,245
Revenue	Equipment Rental	010	510	9510		4962	2,500	(2,500)	0
Revenue	Interest	010	510	9510		6101	929,777	22,642	952,419
Revenue	General City Fines	010	510	9510		7101	65,984	(17,734)	48,250
Revenue	Parking Fines	010	510	9510		7113	377,997	(35,000)	342,997
Revenue	Special District Assets	010	510	9510		8116	0	13,000	13,000
Revenue	PERS Credit	010	510	9510		8126	0	231,516	231,516
Revenue	COPS	040	510	9510		3502	0	415,824	415,824
Revenue	Transfer In to Fund 070	070	700	7000		9051	0	105,000	105,000
Revenue	Transfer In to Fund 070	070	700	7000		9300	0	83,369	83,369
Revenue	Transfer In to Fund 070	070	700	7000		9330	0	59,730	59,730
Revenue	Alley/Sidewalk reimbursement	070	510	9510		4053	0	16,060	16,060
Revenue	PERS Credit	113	140	1452		8130	0	13,439	13,439
Revenue	HOME Grant	117	140	1458		3517	1,227,038	96,106	1,323,144
Revenue	PERS Credit	117	140	1458		8130	0	1,211	1,211
Revenue	HOME Grant	117	140	1459		3517	177,873	2,210	180,083
Revenue	Emergency Shelter Grant	118	140	1468		3518	0	67,000	67,000
Revenue	Transfer In to Fund 130	130	700	7000		9010	903,521	148,273	1,051,794
Revenue	Transfer In to Fund 130	130	700	7000		9290	0	544,005	544,005
Revenue	Transfer In to Fund 130	130	700	7000		9300	0	209,395	209,395
Revenue	Transfer In to Fund 130	130	700	7000		9310	0	12,643	12,643
Revenue	Transfer In to Fund 130	130	700	7000		9320	0	130,554	130,554
Revenue	Transfer In to Fund 130	130	700	7000		9330	0	42,509	42,509
Revenue	Transfer In to Fund 140	140	701	7001		9010	0	419,000	419,000
Revenue	Sale of Real Property-Woodlan	140	510	9510		8101	0	200,000	200,000
Revenue	Federal Share of Project	170	510	9510		3134	382,000	368,000	750,000
Revenue	Transfer In to Fund 290	290	700			9300	0	5,707	5,707
Revenue	Transfer In to Fund 300	300	700	7000		9330	0	61,651	61,651
Revenue	Transfer In to Fund 340	340	700	7000		9130	0	20,982	20,982
Revenue	PERS Credit	610	510	9510		8130	0	46,926	46,926
Revenue	PERS Credit	621	510	9510		8130	0	89,613	89,613
Revenue	Transfer In to Fund 628	628	700	7000		9290	346,000	(346,000)	0
Revenue	PERS Credit	628	510	9510		8130	0	22,911	22,911
Revenue	PERS Credit	631	510	9510		8130	0	7,691	7,691
Revenue	Federal FAA revenue	632	510	9510		3613	413,000	(29,303)	383,697
Revenue	PERS Credit	651	510	9510		8130	0	15,490	15,490
Revenue	Muni Green Fees	660	330	3311		4601	433,000	(34,368)	398,632

ATTACHMENT A

Type of Account	Description	Fund	Agy	Orgn	Appr Unit	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Revenue	Dryden Green Fees	660	330	3311		4602	873,000	(68,736)	804,264
Revenue	Creekside Green Fees	660	330	3311		4603	853,000	(68,736)	784,264
Revenue	Creekside Concessions	660	330	3311		4612	20,000	(20,000)	0
Revenue	Muni Pro Rent	660	330	3311		4620	20,000	(3,000)	17,000
Revenue	Dryden Pro Rent	660	330	3311		4621	30,000	(5,000)	25,000
Revenue	Creekside Pro Rent	660	330	3311		4622	40,000	(5,000)	35,000
Revenue	Sale of Equipment	660	330	3311		8202	0	91,350	91,350
Revenue	PERS Credit	660	330	3311		8130	0	24,175	24,175
Revenue	PERS Credit	670	510	9510		8130	0	8,984	8,984
Revenue	PERS Credit	710	510	9510		8130	0	7,492	7,492
Revenue	PERS Credit	712	050	0554		8130	0	794	794
Revenue	Transfer In to Fund 720	720	700	7000		9040	0	210,000	210,000
Revenue	PERS Credit	720	510	9510		8130	0	26,031	26,031
Revenue	Miscellaneous Revenue	731	030	0372		8155	0	27,000	27,000
Revenue	PERS Credit	731	030	0372		8130	0	7,151	7,151
Revenue	PERS Credit	751	030	6651		8130	0	587,476	587,476
Revenue	PERS Credit	751	030	0351		8130	0	1,208	1,208
Revenue	PERS Credit	780	350	3512		8130	0	22,447	22,447
Revenue	PERS Credit	890	510	9510		8130	0	2,263	2,263
Revenue	Trail Grant	891	510	9510		3138	0	91,465	91,465
Revenue	PERS Credit	905	510	9510		8130	0	981	981
Appropriation	Contingency Reserve	010	800	8000	01H	8003	3,559,762	577,090	4,136,852
Appropriation	Contingency Reserve	040	800	8000		8003	0	824	824
Appropriation	Contingency Reserve	051	800	8000	06H	8003	4,130	4,789	8,919
Appropriation	Contingency Reserve	052	800	8000	56H	8003	115	17,683	17,798
Appropriation	Contingency Reserve	060	800	8000		8003	0	31,187	31,187
Appropriation	Contingency Reserve	070	800	8000	07H	8003	(47,368)	186,014	138,646
Appropriation	Contingency Reserve	080	800	8000	80H	8003	243,628	79,797	323,425
Appropriation	Contingency Reserve	090	800	8000	09H	8003	159,554	(21,157)	138,397
Appropriation	Contingency Reserve	113	800	8000	22H	8003	0	57,619	57,619
Appropriation	Contingency Reserve	115	800	8000		8003	16,279	(16,279)	0
Appropriation	Contingency Reserve	116	800	8000		8003	7,600	64,372	71,972
Appropriation	Contingency Reserve	117	800	8000	26H	8003	863	5,630	6,493
Appropriation	Contingency Reserve	130	800	8000	30H	8003	1,928,239	1,064,905	2,993,144
Appropriation	Contingency Reserve	131	800	8000	13U	8003	1,210,336	9,606	1,219,942
Appropriation	Contingency Reserve	132	800	8000	13S	8003	31,680	869	32,549
Appropriation	Contingency Reserve	135	800	8000	13W	8003	231,456	87,037	318,493
Appropriation	Contingency Reserve	138	800	8000	13Y	8003	478,752	17,970	496,722
Appropriation	Contingency Reserve	139	800	8000	13Z	8003	68,202	12,168	80,370
Appropriation	Contingency Reserve	140	800	8000	40H	8003	37,705	17,560	55,265
Appropriation	Contingency Reserve	141	800	8000	55H	8003	948,285	(161,684)	786,601
Appropriation	Contingency Reserve	142	800	8000	57H	8003	50,495	1,748	52,243
Appropriation	Contingency Reserve	143	800	8000	54H	8003	2,599	2,792	5,391
Appropriation	Contingency Reserve	150	800	8000	50H	8003	1,060	1,268	2,328
Appropriation	Contingency Reserve	170	800	8000	17H	8003	12	(22)	(10)
Appropriation	Contingency Reserve	600	800	8000	60H	8003	383,486	36,044	419,530
Appropriation	Contingency Reserve	610	800	8000	61H	8003	5,982,473	730,937	6,713,410
Appropriation	Contingency Reserve	612	800	8000	61X	8003	24,005	301,582	325,587
Appropriation	Contingency Reserve	615	800	8000	85H	8003	3,014,172	(69,479)	2,944,693

ATTACHMENT A

Type of Account	Description	Fund	Agy	Orgn	Appr Unit	Objt/ Revenue	Current Budget	Adjustment Amount	Revised Budget
Appropriation	Contingency Reserve	616	800	8000	86H	8003	(1,034,508)	110,560	(923,948)
Appropriation	Contingency Reserve	621	800	8000	62H	8003	1,527,595	1,255,860	2,783,455
Appropriation	Contingency Reserve	622	800	8000	62T	8003	0	(768,086)	(768,086)
Appropriation	Contingency Reserve	627	800	8000		8003	346,642	(190,483)	156,159
Appropriation	Contingency Reserve	628	800	8000	68H	8003	876,063	156,016	1,032,079
Appropriation	Contingency Reserve	631	800	8000	63H	8003	0	(1,783)	(1,783)
Appropriation	Contingency Reserve	632	800	8000	63W	8003	15,400	5,367	20,767
Appropriation	Contingency Reserve	651	800	8000	65H	8003	40,089	1,659,022	1,699,111
Appropriation	Contingency Reserve	652	800	8000	65W	8003	249,517	349,183	598,700
Appropriation	Contingency Reserve	653	800	8000	65S	8003	190,025	10,197	200,222
Appropriation	Contingency Reserve	660	800	8000	33H	8003	334,798	(418,318)	(83,520)
Appropriation	Contingency Reserve	670	800	8000	34H	8003	26,050	25,892	51,942
Appropriation	Contingency Reserve	710	800	8000	70R	8003	29,132	24,513	53,645
Appropriation	Contingency Reserve	711	800	8000	71H	8003	230,434	(4,026)	226,408
Appropriation	Contingency Reserve	712	800	8000	76H	8003	(42,374)	(11,637)	(54,011)
Appropriation	Contingency Reserve	720	800	8000	72R	8003	1,237,103	869,942	2,107,045
Appropriation	Contingency Reserve	731	800	8000	73H	8003	0	36,860	36,860
Appropriation	Contingency Reserve	732	800	8000		8003	3,590,732	305,182	3,895,914
Appropriation	Contingency Reserve	733	800	8000		8003	183,392	78,141	261,533
Appropriation	Contingency Reserve	734	800	8000		8003	143,058	3,436	146,494
Appropriation	Contingency Reserve	735	800	8000		8003	105,793	(30,499)	75,294
Appropriation	Contingency Reserve	736	800	8000		8003	75,386	369,883	445,269
Appropriation	Contingency Reserve	737	800	8000		8003	48,931	(41,438)	7,493
Appropriation	Contingency Reserve	738	800	8000		8003	132,690	55,501	188,191
Appropriation	Contingency Reserve	739	800	8000		8003	(14,351)	(3,446)	(17,797)
Appropriation	Contingency Reserve	751	800	8000	75H	8003	3,057,947	(43,451)	3,014,496
Appropriation	Contingency Reserve	780	800	8000	35H	8003	175,903	(4,922)	170,981
Appropriation	Contingency Reserve	885	800	8000	88H	8003	524,910	(123,684)	401,226
Appropriation	Contingency Reserve	890	800	8000	89H	8003	79,721	82,682	162,403
Appropriation	Contingency Reserve	891	800	8000	89W	8003	0	579	579
Appropriation	Contingency Reserve	902	800	8000		8003	657,681	(119,019)	538,662
Appropriation	Contingency Reserve	905	800	8000	90H	8003	59,907	(58,410)	1,497
Appropriation	Contingency Reserve	906	800	8000	91H	8003	294,629	(294,628)	1
Appropriation	Contingency Reserve	907	800	8000	92H	8003	90,157	(43,560)	46,597
Appropriation	Contingency Reserve	908	800	8000	93H	8003	(29,956)	(5,064)	(35,020)

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-600**

**A RESOLUTION ESTABLISHING THE REVISED 1996-97 FISCAL YEAR
APPROPRIATIONS LIMIT, INCLUDING THE PRICE AND POPULATION FACTORS TO BE
USED IN THE CALCULATION**

WHEREAS, adoption of the Fiscal Year 1996-97 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 XIII B of the California Constitution specifies that appropriations made by State and local governments may increase annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local nonresidential construction, and

WHEREAS, it has been determined that a correction to the Appropriation Limit needs to be established.

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 1996-97 appropriations limit is hereby established.

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 5th day of November, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST:



JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:



STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-601

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ELMER WINGER, ET AL FOR THE PURCHASE OF 14.7 ACRES OF LAND IN VILLAGE I

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Elmer Winger, et al for the purchase of 14.7 acres of land in Village I 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 November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor
Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-602

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLESTON PLACE, A LIMITED PARTNERSHIP FOR CONSTRUCTION OF A TEMPORARY DRAINAGE FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Charleston Place, a Limited Partnership for construction of a temporary drainage facility be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-603**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET TO
APPROPRIATE AN ADDITIONAL \$200,000 FROM THE STORM DRAINAGE FUND
CONTINGENCY RESERVE TO FUND 628, CIP ACCOUNT 480-H091-6030.30 TO COVER THE
TOTAL PURCHASE COST OF THE PROPERTY**

WHEREAS, the Facility Master Plan for Village One identifies a central drainage basin to be located on Merle just east of Roselle. The Village One Specific Plan requires developers to either connect to the central drainage basin or provide temporary means of drainage.

WHEREAS, there are limited funds to acquire and construct the central drainage basin; however the owners of Charleston Place are allowing the developer to construct a temporary basin. Staff has worked out an agreement with the owners.

WHEREAS, in addition, an agreement has been made with Elmer Winger, et al, to purchase their 14.7 acre parcel, which has been designated as a central drainage basin with the total price being \$624,750. Part of the consideration is a requirement that the owners sign a right of entry which gives Charleston Place immediate access to the property.

WHEREAS, at the current time the fund for purchasing the property contains approximately \$448,000; an additional \$200,000 is needed to cover the difference.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended to appropriate \$200,000 from the Storm Drainage Fund Contingency Reserve to Fund 628, CIP Account 480-H091-6030.30; Central Storm Drainage Fund.

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 day of November 5, 1996, by Councilmember Friedman, 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, McClanahan, Serpa
and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-604

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: APPROVAL OF AN AGREEMENT WITH ELMER WINGER; ET AL., FOR THE PURCHASE OF LAND IN VILLAGE I FOR A DRAINAGE BASIN, AND APPROVAL OF AN AGREEMENT WITH CHARLESTON PLACE, A LIMITED PARTNERSHIP, FOR CONSTRUCTION OF A TEMPORARY BASIN.

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 owners of Charleston Place Subdivision have requested that they be allowed to build a temporary storm drainage basin in lieu of temporary connections, and

WHEREAS, Elmer Winger, et al., own a 14.7 acre parcel which has been designed as a central drainage basin and which land must be purchased in order to accomplish the above project,

and

WHEREAS, on October 30, 1996, 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, by Environmental Assessment No. 96-135 findings have been made 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, City staff, by a report dated November 5, 1996, from the Community Development Department, Business Development Office, recommended to the City Council approval of the agreement with Elmer Winger, et al., for the purchase of the 14.7 acre parcel which has been designated as a central drainage basin in Village I for the Charleston Place Subdivision, situate in the City of Modesto, County of Stanislaus, and approval of the agreement with the owners of Charleston Place Subdivision to allow construction of a temporary storm drainage basin in lieu of temporary connections,

WHEREAS, said matter was considered by the City Council at its meeting of November 5, 1996, 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. 96-135, entitled "Use of Previous

EIR and Findings", for the proposed project, and the Council hereby makes the following findings:

1. That the project is within the scope of the Village One Specific Plan 1990 Program EIR as amended by the Village One Final Supplemental EIR adopted May 24, 1994 (State Clearing House No. 90020181). These documents adequately describe the project for purposes of CEQA. Therefore, no new environmental document is required (Section 15168(c)(2), State CEQA Guidelines).
2. The proposed project poses no new significant changes or environmental impacts that were not discussed in the Program EIR. (Section 15162(a)(1) State CEQA Guidelines).
3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description (Section 15162(a)(2) State CEQA Guidelines).

A copy of said Environmental Assessment No. 96-135, entitled "Use of Previous EIR and Findings", 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 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-605

A RESOLUTION APPROVING A CONSENT TO COMMON USE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT (MID) FOR THE HELD AVENUE/MID LATERAL NO. 3 CANAL CROSSING TO SERVE THE PROPOSED AMTRAK STATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the consent to common use agreement between the City of Modesto and Modesto Irrigation District (MID) for the Held Avenue/MID Lateral No. 3 Canal Crossing to Serve the Proposed Amtrak Station be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-606

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 recommended 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 \$350,000.00 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 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST:

Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-607

A RESOLUTION APPROVING A FUND TRANSFER AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR FUNDING THE NEW AMTRAK STATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the fund transfer agreement between the City of Modesto and the State of California to provide \$2,036,391.00 for funding the new Amtrak Station be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-608

A RESOLUTION AMENDING EXHIBIT "A" OF
RESOLUTION NO. 96-366 TO APPROVE A REVISED
CLASS RANGE TABLE FOR MANAGEMENT AND
CONFIDENTIAL NON-SWORN CLASSES.

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 96-366.

Exhibit "A" entitled "City Of Modesto Class Range Table
Management And Confidential Non-Sworn Classes Effective June 25,
1996", attached to Resolution No. 96-366, is hereby amended as
shown on the amended Exhibit "A" entitled, "City Of Modesto Class
Range Table Management And Confidential Non-Sworn Classes
Effective November 5, 1996", which is attached hereto and made a
part hereof as though set forth in full herein. Said amended
Exhibit "A" changes the salary range for Systems Analyst from
Range 423 to Range 430.

SECTION 2. EFFECTIVE DATE. This resolution shall
become effective on and after November 5, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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

Effective November 5, 1996

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	Worker's Compensation Claims Examiner Employee Benefits Coordinator Legal Services Technician Deputy City Clerk Executive Secretary Customer Services Supervisor

Class Range Table
Management and Confidential Non-Sworn Class
Page 2

421

422 Office Supervisor

423 Custodian Supervisor

424 Assistant Planner
Asst. City Clerk/Auditor

425 Administrative Analyst I
Executive Assistant
Legal Services Supervisor

426 Stores Manager

427 Events Supervisor

428 Parks Maintenance Supervisor I
Airport Maintenance Supervisor
Trees Maintenance Supervisor I
Equipment Maintenance Supervisor I
Social Services Coordinator
Buyer
Accountant II
Budget Analyst
Public Works Supervisor I
Building Maintenance Supervisor
Customer Services Specialist

429

430 Associate Planner
Parks Construction Supervisor I
Junior Civil Engineer
Junior Traffic Engineer
Neighborhood Preservation Supervisor
Systems Analyst

431 Administrative Analyst II
Affirmative Action Officer
Personnel Analyst
Training Coordinator
Assistant Risk Manager
Recycling Program Coordinator
Senior Budget Analyst

432 Plant Mechanic Supervisor
Recreation Supervisor II
Senior Accountant
Youth Program Supervisor
Industrial Waste Supervisor

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

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

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

- 441 Sr. Deputy City Attorney I
Airport Manager
Solid Waste Program Manager
Transit Manager
Streets Superintendent
Parks Operations Superintendent
Risk Manager
Assistant Personnel Director
Recreation Superintendent
Fleet Manager
Urban Forestry Superintendent
Wastewater Collections Superintendent
Water Superintendent
Building Maintenance Superintendent
Police Records Manager
Fire Marshal
Golf Services Manager
- 442 Supv. Building Inspector
Finance Data Processing Manager
Supv. Construction Inspector
Manager of Budget and Financial Analysis
- 443 Deputy Chief Bldg. Official
- 444 General Services Manager
Water Quality Control Supt.
Principal Planner
- 445 Customer Services Division Manager
Accounting Division Manager
Housing and Neighborhoods Division Manager
- 446 Senior Civil Engineer
Traffic Engineer
- 447 Chief Building Official
Assistant to City Manager
Asst. Parks & Recreation Dir. - Civic Center
Asst. Parks & Recreation Dir. - Parks
Asst. Parks & Recreation Dir. - Recreation
Business Development Division Manager
Development Services Division Manager
Strategic Planning Division Manager
- 448 Sr. Deputy City Attorney II
- 449

Class Range Table

Management and Confidential Non-Sworn Class

Page 5

450 Deputy Director Public Works - Engineering
Deputy Director Public Works - Operations
Deputy Director Public Works - Transportation

451

452 Assistant City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-609

A RESOLUTION OF INTENT TO PUT RECLAIMED
WASTEWATER TO THE HIGHEST BENEFICIAL USE.

WHEREAS, the City of Modesto intends to reclaim treated wastewater which it will discharge to the San Joaquin River, commencing November 11, 1996, and each annual discharge period thereafter, in accordance with the City's NPDES Permit No. CA0079103, and

WHEREAS, it is not the intent of the City to abandon this wastewater, but to reclaim it at a downstream point to be determined, for beneficial reuse, in accordance with water Code Sections 1210 and 1485,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the supply of water is critical to the environmental and economic health of the State of California and the community, therefore, the Council hereby states its intent to reclaim treated wastewater which it will discharge to the San Joaquin River, commencing November 11, 1996, and each annual discharge period thereafter, in accordance with the City's NPDES Permit No. CA0079103.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-610

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RENEWAL OF THE LICENSE OF MODESTO GARBAGE COMPANY INC. FOR THE COLLECTION OF GARBAGE, INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Tuesday, November 19, 1996, 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 renewal of the license of Modesto Garbage Company Inc. for the collection of garbage, industrial garbage, and salvageable waste.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, 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:	Dobbs, Fisher, Friedman, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill, McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-611

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RENEWAL OF THE LICENSE OF GILTON SOLID WASTE MANAGEMENT FOR THE COLLECTION OF GARBAGE, INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that Tuesday, November 19, 1996, 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 renewal of the license of Gilton Solid Waste Management for the collection of garbage, industrial garbage, and salvageable waste.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, by Councilmember Friedman, who moved its 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, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-612

A RESOLUTION DENYING THE REQUEST OF FRANCIS R. RUGGIERI FOR THE COUNCIL TO RECONSIDER RESOLUTION NO. 96-536 ADOPTED BY THE COUNCIL ON OCTOBER 1, 1996, WHICH DECLARED THE "522 CLUB" AND "CLUB EXPOSE" TO BE A PUBLIC NUISANCE.

WHEREAS, on October 1, 1996, the City Council adopted Resolution No. 96-536 declaring the "522 Club" and "CLUB Expose" to be public nuisances and directed the City Attorney to initiate the appropriate nuisance abatement action in Stanislaus County Superior Court, and

WHEREAS, Francis R. Ruggieri, Attorney for Club Expose, by letter to the City Council, dated October 29, 1996, requested that the Council reconsider said decision concerning Club Expose, and

WHEREAS, Mr. Ruggieri's request for reconsideration of the matter was based on the contention that Club Expose was not in violation of any of the City's ordinances,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request from Francis R. Ruggieri, Attorney for Club Expose, for reconsideration of the Council's decision is hereby denied due to the fact that since the time the request was made, the Stanislaus County Superior Court has granted the City's request for a temporary restraining order prohibiting any live entertainment at Club Expose pending a November 20, 1996, court hearing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-613

A RESOLUTION DESIGNATING COUNCILMEMBER TIM FISHER 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 Tim Fisher 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 12th day of November, 1996, by Councilmember McClanahan, who moved it adoption, which motion being duly seconded by Councilmember Dobbs, 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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-614

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE OFFICE OF THE CITY MANAGER OF THE
CITY OF MODESTO AND RESCINDING RESOLUTION
NO. 94-698.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

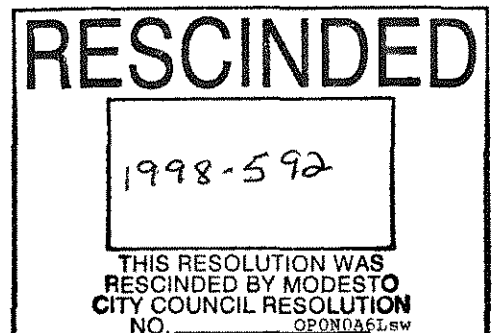
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

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 12,
1996, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Office
of the City Manager of the City of Modesto as submitted, a copy
of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 94-698
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 12th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
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 and Auditor.

OFFICE OF THE CITY MANAGER CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
City Manager	1
Communications & Marketing Manager	2
Consultant	3
Deputy City Manager	2
Management Analyst	2
Systems Analyst	2
Systems Manager	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.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-615

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE COMMUNITY DEVELOPMENT DEPARTMENT
OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 95-286.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

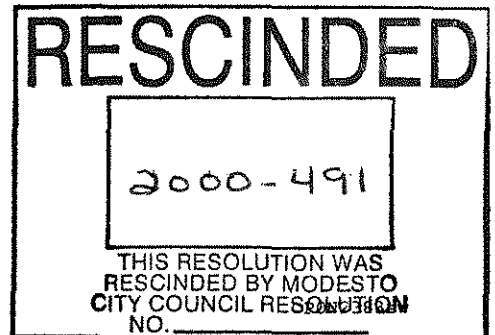
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

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 12,
1996, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the
Community Development Department of the City of Modesto as
submitted, a copy of which Code is attached hereto, is hereby
approved.

BE IT FURTHER RESOLVED that Resolution No. 95-286
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 12th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
COMMUNITY DEVELOPMENT DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Community Development Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

COMMUNITY DEVELOPMENT DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Assistant Planner	1
Associate Civil Engineer	1
Associate Planner	1
Building Inspector I, II	1
Business Development Manager	1
Business Development Officer	1
Chief Building Official	1
Code Enforcement Officer I, II	1
Community Development Director	1
Community Development Program Specialist II	1
Consultant	2
Deputy Chief Building Official	1
Development Services Manager	1
Housing & Neighborhoods Manager	1
Housing Finance Specialist	1
Housing Program Supervisor	1
Housing Rehabilitation Specialist II	1
Neighborhood Preservation Supervisor	1
Planning Assistant	1
Plan Review Engineer	1
Principal Planner	1
Public Improvement Specialist	1
Senior Building Inspector	1
Senior Housing Rehabilitation Specialist	1
Strategic Planning Manager	1
Supervising Building Inspector	1

COMMUNITY DEVELOPMENT 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.

Clock m.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-616

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE PARKS AND RECREATION DEPARTMENT
OF THE CITY OF MODESTO AND RESCINDING
RESOLUTION NO. 95-288.

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 12,
1996, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Parks
and Recreation Department of the City of Modesto as submitted, a
copy of which Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 95-288
adopted by the Council is hereby rescinded.

RESCINDED
1998-597
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 12th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

CONFLICT OF INTEREST CODE
OF THE
PARKS AND RECREATION DEPARTMENT
OF THE CITY OF MODESTO

The Political Reform Act (Government Code Section 8100, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. 18730) which contains the terms of a standard conflict of interest code. After public notice and hearing it may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating officials and employees and establishing disclosure categories, shall constitute the conflict of interest code of the Parks and Recreation Department.

Designated employees shall file their statements with the Office of the City Clerk and Auditor which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Statements for all designated employees will be retained by the Office of the City Clerk and Auditor.

PARKS AND RECREATION DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Position</u>	<u>Disclosure Category</u>
Administrative Analyst II	2
Arborist	2
Assistant Director of Parks and Recreation	1
Building Maintenance Supervisor	2
Building Superintendent	1
Consultant	3
Custodian Supervisor	2
Director of Parks and Recreation	1
Events Supervisor	2
General Services Manager	1
Golf Services Manager	1
Historical Buildings Supervisor	2
Operations Supervisor	2
Parks Maintenance Supervisor I	2
Parks Operations Superintendent	1
Parks Planning & Development Manager	1
Recreation Superintendent	1
Recreation Supervisor II	2
Trees Maintenance Supervisor I	2
Urban Forestry Superintendent	1

9-24-96

PARKS AND RECREATION 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.

Click 17

MODESTO CITY COUNCIL
RESOLUTION NO. 96-617

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE FINANCE DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NO. 94-700.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

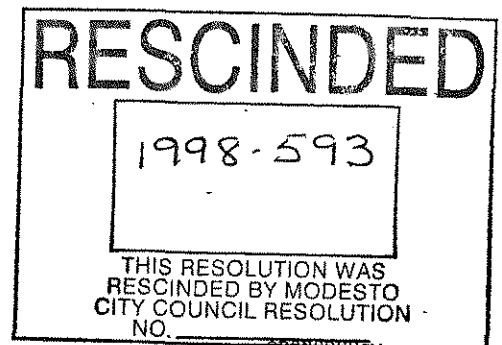
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

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 12,
1996, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Finance
Department of the City of Modesto as submitted, a copy of which
Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 94-700
adopted by the Council are hereby rescinded.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
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 and Auditor.

FINANCE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Accounting Division Manager	2
Administrative Technician (Purchasing Division)	3
Buyer	3
Consultant	5
Customer Services Division Manager	2
Director of Finance	1
Finance Data Processing Manager	4
Financial/Investment Officer	2
Manager of Budget and Financial Analysis	2
Purchasing Officer	2
Stores Manager	3

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.

check (17)

MODESTO CITY COUNCIL
RESOLUTION NO. 96-618

A RESOLUTION OF THE COUNCIL OF THE CITY OF
MODESTO ADOPTING THE CONFLICT OF INTEREST
CODE OF THE POLICE DEPARTMENT OF THE CITY OF
MODESTO AND RESCINDING RESOLUTION NO. 94-704.

WHEREAS, pursuant to Government Code Section 87300,
every local agency must adopt a conflict of interest code, and

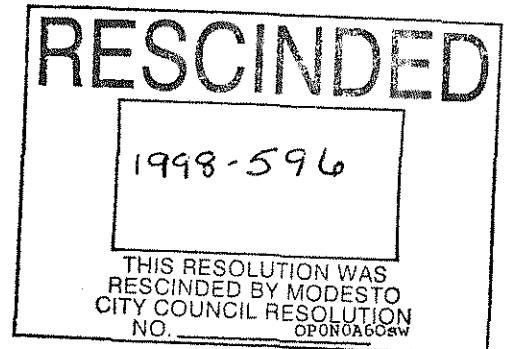
WHEREAS, the City Clerk is authorized to maintain a
current list of the City agencies/departments which have adopted
conflict of interest codes, and

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 12,
1996, considered the adoption of a conflict of interest code for
the various City agencies/departments,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code of the Police
Department of the City of Modesto as submitted, a copy of which
Code is attached hereto, is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. 94-704
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 12th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
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 and Auditor.

POLICE DEPARTMENT CONFLICT OF INTEREST CODE

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst	2
Chief of Police	1
Consultant	3
Police Administrative Assistant	2
Police Captain	1
Police Lieutenant (Professional Standards)	2
Records Manager	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.

Clerk (7)

MODESTO CITY COUNCIL
RESOLUTION NO. 96-619

A RESOLUTION RESCINDING THE CONFLICT OF
INTEREST CODE FOR THE ENVIRONMENTAL
ASSESSMENT COMMITTEE OF THE CITY OF MODESTO.

WHEREAS, a Conflict of Interest Code for the
Environmental Assessment Committee of the City of Modesto was
approved by Modesto City Council Resolution No. 77-496 pursuant
to Resolution No. 77-27 of the City of Modesto, and

WHEREAS, because there is no longer an Environmental
Assessment Committee the Council of the City of Modesto desires
to rescind the Conflict of Interest Code for the Environmental
Assessment Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the
City of Modesto that the Conflict of Interest Code for the
Environmental Assessment Committee of the City of Modesto is
hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, 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
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-620

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF MODESTO AND THE UNITED CEREBRAL PALSY ASSOCIATION OF STANISLAUS COUNTY FOR LEASE OF 308 LOCUST STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the lease agreement between the City of Modesto and the United Cerebral Palsy Association of Stanislaus County for lease of property located at 304 Locust Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-621

A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND CATHOLIC CHARITIES/LAURA'S HOUSE FOR \$28,000 TO PROVIDE REHABILITATION IMPROVEMENTS TO PROPERTY AT 405 15TH STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Community Development Block Grant agreement between the City of Modesto and Catholic Charities/Laura's House for \$28,000 to provide rehabilitation improvements to property at 405 15th Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-622**

**A RESOLUTION AMENDING THE FISCAL YEAR 1996-97 ANNUAL BUDGET
TRANSFERRING \$28,000 FROM FUND 115, ACCOUNT #140-1466-0497 TO FUND 113,
ACCOUNT #140-1454-0496 TO PROVIDE FUNDING FOR CATHOLIC CHARITIES**

WHEREAS, during the last funding cycle for non-profits, Catholic Charities requested funding for unspecified improvements to Laura's House, a drug rehabilitation program for pregnant women and new mothers. However, the proposal was vague and staff recommended no funding requesting Catholic Charities to return to the Committee with a better definition of the project; and

WHEREAS, the applicant is requesting a grant of \$28,000 to provide rehabilitation improvements to their property at 405 15th street; specifically, to move and improve a mobile home that was donated to them which will provide a learning center once complete; and

WHEREAS, three bids were solicited and Dawn Construction of Modesto was selected to do the work for a total of \$26,106. The extra requested funds will be used for permit costs and contingencies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended by transferring \$28,000 from Fund 115, Account #140-1466-0497 to Fund 113, Account #140-1454-0496.

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 day of November 12, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa
and 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. 96-623

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND EIP ASSOCIATES FOR THE PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE BIOSOLIDS LAND APPLICATION PROJECT

WHEREAS, on September 17, 1996, the City Council authorized a contract with EIR Associates, in the amount of \$56,965 to prepare the necessary EIR for Biosolids Land Application; and

WHEREAS, upon City review of an Administrative Draft EIR, staff determined that additional detail would be needed in the Draft EIR to respond to anticipated concerns raised by the public and responsible agencies.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to an agreement between the City of Modesto and EIP Associates for the preparation of a Draft Environmental Impact Report for the Biosolids Land Application project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-624

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
SUBMIT AN APPLICATION TO THE STATE OFFICE OF
TRAFFIC SAFETY FOR A COMPREHENSIVE TRAFFIC
SAFETY PROGRAM GRANT.

WHEREAS, by a report to the Council dated November 8,
1996, from the Police Department, a copy of which report is
attached hereto and incorporated herein by reference, City staff
has requested that the Council authorize the City Manager to
apply for a grant through the State Office of Traffic Safety for
a Comprehensive Traffic Safety Program grant, and

WHEREAS, the purpose of the program is to provide a
comprehensive city-wide traffic safety program which will add
four Police Traffic Officers and one Community Service Officer to
the Modesto Police Department, with the State contributing
\$522,871 to the program, and

WHEREAS, the City will be obligated for costs in the
amount of \$188,851, as set forth in said attached report, and

WHEREAS, a requirement of the grant funding is that the
City shall establish a Vehicle Impound Program for Suspended,
Revoked or Unlicensed Drivers, and

WHEREAS, as a result of the above requirement, on
November 19, 1996, the Council introduced Ordinance No.
3010 -C.S. and adopted Resolution No. 96-625 establishing
a Vehicle Impound Program for Suspended, Revoked or Unlicensed
Drivers in the City of Modesto,

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 an application for State Funding in the amount of \$522,871 for submittal to the State Office of Traffic Safety for a Comprehensive Traffic Safety Program grant.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Acting Mayor Fisher
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



CITY OF MODESTO

MEMORANDUM

November 8, 1996

TO: Mayor and Members of the City Council
FROM: Police Department
SUBJECT: "Comprehensive Traffic Safety Program" Grant

RECOMMENDED COUNCIL ACTIONS:

Consider adoption of a resolution authorizing the City Manager to make application to the State Office of Traffic Safety for the "Comprehensive Traffic Safety Program" grant. Contingent upon that action:

- Consider adoption of a resolution to set a "Vehicle Impound Fee" of \$80 only for suspended, revoked or unlicensed drivers (requires a hearing); and
- Consider introduction of an ordinance amending the Modesto Municipal Code to establish a "Traffic Offender Fund," separate from the General Fund, revenues from which will be appropriated only for traffic safety purposes.

BACKGROUND:

In January of this year the Police Department was invited to submit a proposal to the State Office of Traffic Safety for a comprehensive traffic safety project. The project is a comprehensive citywide traffic safety program which will add four police traffic officers and one Community Service Officer. Two traffic officers will work primarily on arresting drunk drivers and two traffic officers will do general traffic enforcement at high accident locations. The Community Service Officer will do related support work, file reports, track statistics and assist in the field with various activities such as seatbelt and sobriety checkpoints. Additionally, the Police Department will reconvene its "Citizens for Safe Driving" Committee for public information and education about traffic safety.

The program will run for two years, commencing in January of 1997. The State will pay 100 percent of the personnel costs in year one, including overtime, all the costs of the required computer equipment, purchase of two motorcycles, and all the costs for required public information and education. The State share will be \$522,871.

The City will be obligated for the following costs of the grant project:

■ 50 percent of the Salary and Benefits of Four Police Officers in Year Two	\$128,019
■ 50 percent of the Salary and Benefits of One Community Service Officer	\$22,882
■ Overtime for Vehicle Impound Operations	\$25,000
■ Equipment Costs	\$12,950
TOTAL	\$188,851

Only the Equipment Costs would affect appropriations to the Police Department's fiscal year 1996/97 budget. The personnel costs would not affect appropriations to the Police Department budget until the second half of the 1997/98 fiscal year.

Special Condition and Requirement of the Grant

A requirement of this grant funding is that the City establish a Vehicle Impound Program for Suspended, Revoked or Unlicensed Drivers. The program is to consist of the following elements:

- A Mandatory Towing Policy (internal to the Modesto Police Department)
- An Impound Fee of at least \$75, Staff Recommends \$80 (the cost of impounding a vehicle on a citation of a suspended, revoked or unlicensed driver is \$80)
- A Traffic Offender Fund, separate from the General Fund.

REASONS FOR RECOMMENDED ACTIONS:

Statistically, suspended, revoked and unlicensed drivers pose significant traffic safety problems on the roads and highways of the entire State. Thirty-three percent of all fatal and injury collisions investigated by the Modesto Police Department involve suspended, revoked or unlicensed drivers. These drivers often have warrants for their arrests for other traffic or criminal charges.

While the Police Department has been fortunate in adding many sworn positions in the past two years, most of the positions are through the federal COPS program. Therefore, these officers must, by statute, work on Community Policing projects. The Traffic Unit has, therefore, received no new sworn staff in more than five years. And, the need for increasing traffic enforcement is apparent in the fact that the number of city traffic accidents is 30 percent greater, to date in 1996, than the same period of 1995.

Mayor and Members of the City Council

Page 3

November 8, 1996

It is the intent of the State of California to offer these comprehensive traffic safety grants only to municipalities that decide to implement a comprehensive program to deal with these drivers. Further, the State requires that the fee to release an impounded vehicle of a driver cited for suspended, revoked or no license, be at minimum \$75 and that all revenues raised from the fee be held in a separate fund and appropriated only for traffic safety.

The Police Department projects that it will impound 2,000 to 3,500 vehicles in each of the two years of the grant project. Revenues expected then, are \$160,000 to \$280,000. The department believes it will raise the revenues necessary to cover the second year costs of the grant program. Further, revenues of approximately \$150,000 annually should be ongoing, after the end of the project.

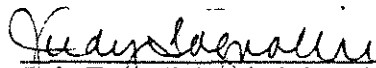
Council Committee Action: At its September, 1996 meeting, the Public Safety Committee unanimously endorsed application for this comprehensive traffic safety grant and for its special conditions of:

- A Mandatory Towing Policy (internal to the Modesto Police Department)
- An Impound Fee for Suspended, Revoked or Unlicensed Drivers of \$80
- A Traffic Offender Fund, separate from the General Fund.

STEPS FOLLOWING APPROVAL:

The City Manager will execute the application for the grant project and the Police Department will prepare for the operations of the grant project, to start January 1, 1997. The Finance Department will establish a new Fund for the revenues of the Vehicle Impound Fee.

Prepared by:


Judy Tognolini, Administrative Analyst

Recommended by:


Paul D. Jefferson, Chief of Police

Submitted by:

J. Edward Tewes, City Manager

cc: Paul Baxter, Deputy City Manager
Michael Milich, City Attorney
Kevin Riper, Finance Director
Jean Adams, City Clerk (16)
David Leonardo, Police Captain
Bob Guthrie, Police Captain

MODESTO CITY COUNCIL
RESOLUTION NO.96-625

A RESOLUTION ESTABLISHING A VEHICLE IMPOUND
FEE FOR SUSPENDED, REVOKED OR UNLICENSED
DRIVERS.

WHEREAS, thirty-three (33) percent of all fatal collisions investigated by the Modesto Police Department in 1995 involved suspended/revoked or unlicensed drivers, and

WHEREAS, the California State Department of Motor Vehicles has revealed that over six thousand (6,000) suspended drivers reside within the city limits of Modesto, and

WHEREAS, the Modesto Police Department strictly enforces all drivers license violations to reduce the number of lives lost in traffic collisions, and

WHEREAS, the Modesto Police Department impounds or stores numerous and various vehicles removed from highways, streets, and public property in the city of Modesto during the normal course of duty, and

WHEREAS, the Modesto Police Department impounds or stores vehicles pursuant to its authority under California Vehicle Code Sections 14602.6, 22651(p), 22651(h), and 22651(h)(2) for offenses committed while driving on a suspended/revoked license or no license, or any offense in the California Vehicle Code or any other law when the person is arrested and taken into custody, and

WHEREAS, eighty (\$80.00) dollars is a conservative and reasonable estimate for the Modesto Police Department's

administrative costs for documenting, researching, tracking, and releasing an impounded vehicle ("impound fee"), and

WHEREAS, the Modesto Police Department will deposit each impound fee into the Traffic Offender Fund to be created by the Council of the City of Modesto to fund the Modesto Traffic Offenders Program (T.O.P.), which will specifically enforce the unlicensed and suspended license laws, and

WHEREAS, Traffic Offender Fund monies will be used first and foremost for the purchase of equipment and personnel costs of T.O.P. including, but not limited to:

1. Funding of T.O.P. team personnel;
2. Funding of police vehicles, motorcycles, and associated equipment needed for T.O.P.; and
3. Funding of electronic equipment and software for tracking violators of T.O.P., and

WHEREAS, the remaining Traffic Offender Fund monies in the fund will be used for equipment purchases only with the Modesto Police Department, as designed by the Police Chief, and

WHEREAS, a stolen vehicle victim should be exempt from the impound fee for impoundment and release of a stolen vehicle, and

WHEREAS, situations may arise that warrant the exercise of prudent discretion to forego or excuse the proposed impound fee.

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

1. An impound fee of eighty (\$80.00) dollars is hereby adopted for the purpose of recovering the administrative costs of the Modesto Police Department for documenting, researching, tracking, and releasing an impounded vehicle.

2. The Modesto Police Department will deposit each impound fee into the Traffic Offender Fund to be created by the Council of the City of Modesto to fund the Modesto Traffic Offenders Program (T.O.P.), which will specifically enforce the unlicensed and suspended license laws.

3. The Traffic Offender Fund monies will be used first and foremost for the purchase of equipment and personnel costs of T.O.P. including, but not limited to:

- a. Funding of T.O.P. team personnel;
- b. Funding of police vehicles, motorcycles, and associated equipment needed for T.O.P.; and
- c. Funding of electronic equipment and software for tracking violators of T.O.P.

4. The remaining Traffic Offender Fund monies in the fund will be used for equipment purchases only with the Modesto Police Department, as designed by the Police Chief, and

5. A victim of a stolen vehicle shall be exempt from paying said impound fee when their vehicle is released from impound.

6. The Modesto Police Department may, in the exercise of its discretion, forego or excuse the impound fee when deemed appropriate.

7. The City Manager is hereby authorized to review and adjust said impound fee annually or as costs for services increase.

BE IT FURTHER RESOLVED that this resolution shall not become effective unless and until the ordinance creating the Traffic Offender Fund becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Acting Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

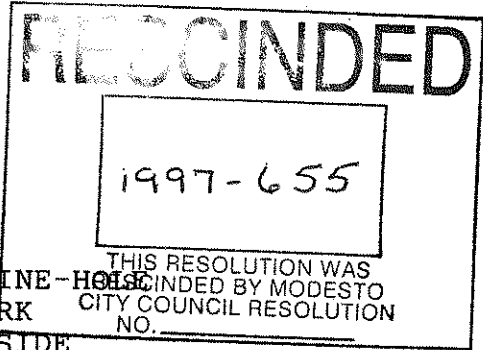
ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Clerk



MODESTO CITY COUNCIL
RESOLUTION NO. 96-626

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. 94-650.

WHEREAS, the Council of the City of Modesto finds that golf rates for golfers at its Modesto Nine-Hole Municipal Golf Course, Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course need to be revised,

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.

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.

(d) Multiple Play Cards. Golfers can purchase a weekday 8 or 10 multiple play card for Dryden/Creekside or Muni. The multiple play card will be good for the calendar month issued and is not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) Special Rates. From time to time, the Parks and Recreation Director or his 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.

SECTION 3. COMPLIMENTARY TICKETS. Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Parks and Recreation 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 December 1, 1996.

SECTION 8. REPEALS. Resolution No. 94-650 adopted on December 31, 1994, is hereby rescinded November 30, 1996.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Serpa, Acting Mayor Fisher

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Corrected 12/5/96

EXHIBIT "A"

CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULE
EFFECTIVE DECEMBER 1, 1996

CREEKSIDE & DRYDEN

Weekdays, 9 holes	\$ 12.00
Weekdays, 9 holes (seniors/juniors/disabled)	\$ 9.60
Weekdays, 9 holes (juniors, after noon)	\$ 6.00
Weekdays, 18 holes	\$ 16.00
Weekdays, 18 holes (seniors/juniors/disabled)	\$ 12.80
Weekdays, 18 holes (juniors, after noon)	\$ 8.00
Weekends/Holidays, 18 holes	\$ 20.00
Weekends/Holidays, 18 holes (juniors, after noon)	\$ 10.00
Earlybird, 18 holes (weekdays)	\$ 8.00
Weekday Twilight, 18 holes	\$ 10.00
Weekend/Holiday Twilight, 18 holes	\$ 12.00
Monthly, 8-play card, 18 holes (seniors/juniors/disabled)	\$ 80.00
Monthly, 8-play card, 18 holes (other golfers)	\$ 96.00
Monthly, 10-play card, 18 holes (seniors/juniors/disabled)	\$100.00
Monthly, 10-play card, 18 holes (other golfers)	\$120.00

MUNI

Weekdays, 9 holes	\$ 8.00
Weekdays, 9 holes (seniors/juniors/disabled)	\$ 6.40
Weekdays, 9 holes (juniors, after noon)	\$ 4.00
Weekends/Holidays, 9 holes	\$ 10.00
Weekends/Holidays, 9 holes (juniors, after noon)	\$ 5.00
Earlybird, 9 holes (weekdays)	\$ 4.00
Weekday Twilight, 9 holes	\$ 6.00
Weekend/Holiday Twilight, 9 holes	\$ 7.00
Monthly, 8-play card, 9 holes (seniors/juniors/disabled)	\$ 40.00
Monthly, 8-play card, 9 holes (other golfers)	\$ 48.00
Monthly, 10-play card, 9 holes (seniors/juniors/disabled)	\$ 50.00
Monthly, 10-play card, 9 holes (other golfers)	\$ 60.00

EXHIBIT "A"

CITY OF MODESTO GOLF COURSES
GREEN FEE SCHEDULE
EFFECTIVE DECEMBER 1, 1996

CREEKSIDE & DRYDEN

Weekdays, 9 holes	\$ 12.00
Weekdays, 9 holes (seniors/juniors/disabled)	\$ 9.60
Weekdays, 9 holes (juniors, after noon)	\$ 6.00
Weekdays, 18 holes	\$ 16.00
Weekdays, 18 holes (seniors/juniors/disabled)	\$ 12.80
Weekdays, 18 holes (juniors, after noon)	\$ 8.00
Weekends/Holidays, 18 holes	\$ 20.00
Weekends/Holidays, 18 holes (seniors/juniors/disabled)	\$ 16.00
Weekends/Holidays, 18 holes (juniors, after noon)	\$ 10.00
Earlybird, 18 holes (weekdays)	\$ 8.00
Weekday Twilight, 18 holes	\$ 10.00
Weekend/Holiday Twilight, 18 holes	\$ 12.00
Monthly, 8-play card, 18 holes (seniors/juniors/disabled)	\$ 80.00
Monthly, 8-play card, 18 holes (other golfers)	\$ 96.00
Monthly, 10-play card, 18 holes (seniors/juniors/disabled)	\$100.00
Monthly, 10-play card, 18 holes (other golfers)	\$120.00

MUNI

Weekdays, 9 holes	\$ 8.00
Weekdays, 9 holes (seniors/juniors/disabled)	\$ 6.40
Weekdays, 9 holes (juniors, after noon)	\$ 4.00
Weekends/Holidays, 9 holes	\$ 10.00
Weekends/Holidays, 9 holes (seniors/juniors/disabled)	\$ 8.00
Weekends/Holidays, 9 holes (juniors, after noon)	\$ 5.00
Earlybird, 9 holes (weekdays)	\$ 4.00
Weekday Twilight, 9 holes	\$ 6.00
Weekend/Holiday Twilight, 9 holes	\$ 7.00
Monthly, 8-play card, 9 holes (seniors/juniors/disabled)	\$ 40.00
Monthly, 8-play card, 9 holes (other golfers)	\$ 48.00
Monthly, 10-play card, 9 holes (seniors/juniors/disabled)	\$ 50.00
Monthly, 10-play card, 9 holes (other golfers)	\$ 60.00

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-627**

**A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT PROGRAM TO DEFER THE
CREEKSIDE CART PATH IMPROVEMENT PROJECT UNTIL FISCAL YEAR 1997-98**

WHEREAS, the City of Modesto Golf Courses Committee has met with staff to review the status of the Golf fund; and

WHEREAS, the Committee is recommending that the Cart Path Construction Capital Improvement Project approved for the 1996-97 fiscal year be postponed and included in the FY 1997-98 Capital Improvement Program; and

WHEREAS, this recommendation will not affect revenue; however, will reduce expenditures for the current fiscal year by \$60,000.

WHEREAS, the Human Services Committee met on November 6, 1996 and supported the Committee's recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended reappropriating the Creekside Cart Path Improvement Program until Fiscal Year 1997-98.

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 day of November 19, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Fisher, Friedman, McClanahan, Serpa

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: Mayor Lang

ATTEST:



JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:



STAN FEATHERS, Budget Officer

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-628

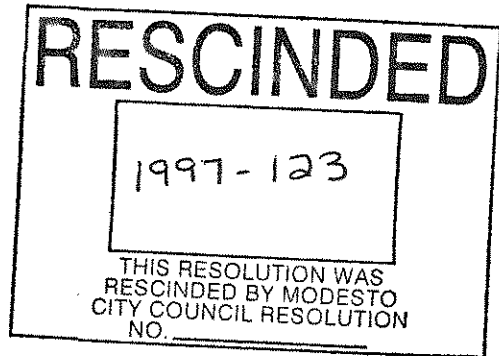
A RESOLUTION ESTABLISHING TOURNAMENT FEE
SCHEDULE AND POLICY AT THE MODESTO NINE-HOLE
MUNICIPAL GOLF COURSE, THE DRYDEN PARK
MUNICIPAL GOLF COURSE, AND THE CREEKSIDE
MUNICIPAL GOLF COURSE.

WHEREAS, the Council of the City of Modesto finds that
the tournament fee schedule and policy at its Modesto Nine-Hole
Municipal Golf Course, Dryden Park Municipal Golf Course, and the
Creekside Municipal Golf Course, as set forth in City Council
Resolution No. 94-650, needs to be revised,

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

SECTION 1. TOURNAMENT FEE SCHEDULE AND POLICY. The
Council hereby approves the tournament fee schedule and policy as
set forth in Exhibit "A" attached hereto.

SECTION 2. EFFECTIVE DATE. This resolution shall go
into effect and be in full force and operation on and after
December 1, 1996.



The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Friedman, McClanahan, Serpa, Acting Mayor Fisher

NOES: Councilmembers: Dobbs

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

TOURNAMENT FEE SCHEDULE AND POLICY
EFFECTIVE DECEMBER 1, 1996

	FEE PER PLAYER		
	<u>Regular Tee Time Style</u>	<u>Full Shotgun Tee Time Style</u>	<u>Modified Shotgun Tee Time Style</u>
<u>CREEKSIDE & DRYDEN</u>			
Weekday	\$26.00	\$47.00	\$47.00
Weekends	30.00	52.00	52.00
<u>MUNI</u>			
Weekday	\$16.00	\$29.00	N/A
Weekend	19.00	33.00	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 (\$16.00 weekdays/\$20.00 weekends at Creekside/Dryden and \$8.00 weekdays/\$10.00 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 (\$20.00 weekdays/\$25.00 weekends at Creekside/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 (\$20.00 weekdays/\$25.00 weekends); cart rental (\$13.00 at Creekside/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.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-629

A RESOLUTION ACCEPTING THE BID OF LEGACY SOLUTIONS FOR FURNISHING BUSINESS LICENSING SOFTWARE

WHEREAS, Resolution No. 96-479, adopted by the Council of the City of Modesto on August 20, 1996 approved the specifications for furnishing business licensing software; and

WHEREAS, the bids received for business licensing software, were opened at 11:00 a.m. on September 13, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Legacy Solutions for a total amount of \$28,199.99 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Legacy Solutions 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 19th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-630

A RESOLUTION AUTHORIZING CITY STAFF TO SEEK AN AUTHOR FOR LEGISLATION WHICH WOULD PROHIBIT THE SALE OF CHILDREN'S HALLOWEEN COSTUMES WHICH DO NOT MEET FEDERAL GOVERNMENT STANDARDS FOR CHILDREN'S SLEEP WEAR.

WHEREAS, this past Halloween, a young girl wearing a commercially produced Halloween costume was severely burned when the costume came in contact with a lighted candle, and

WHEREAS, in an effort to prevent similar incidents, the Fire Department intends to set up public education efforts relative to Halloween activities, and

WHEREAS, current Federal and State laws require children's sleep wear to meet Federal flammability standards, thus, it would be appropriate to seek State legislation that would mandate that costumes also be flame resistive,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes City staff to seek an author for State and Federal legislation that would prohibit the sale of children's Halloween costumes that do not meet or exceed Federal government standards for children's sleep wear.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Friedman, McClanahan, Serpa, Acting Mayor Fisher

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-631

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DEL MONTE FOR THE RELOCATION OF THEIR YOSEMITE BOULEVARD MAIN PLANT ENTRANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Del Monte for the relocation of their Yosemite Boulevard main plant entrance 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 November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-632

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT FOR ENGINEERING SERVICES BETWEEN THE CITY OF MODESTO AND MID VALLEY ENGINEERING FOR BRIGGSMORE/COFFEE INTERSECTION IMPROVEMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amendment to agreement for engineering services between the City of Modesto and Mid Valley Engineering for Briggsmore/Coffee intersection improvements be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, McClanahan, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-633

A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT FOR BETWEEN THE CITY OF MODESTO AND MEMORIAL HOSPITAL FOR CONSTRUCTION COSTS ON COFFEE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the reimbursement agreement for between the City of Modesto and Memorial Hospital for construction costs on Coffee Road be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said reimbursement 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 November, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, McClanahan, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-634

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENTS BETWEEN THE CITY OF MODESTO AND MODESTO CITY SCHOOLS FOR RECREATION PROGRAMS SERVICE

WHEREAS, Res. 96-183, adopted by the Council of the City of Modesto on April 16, 1996 accepting an agreement and fee schedule for Recreation on Campus for Kids (R.O.C.K.S.), a program of recreational activities to be provided by Parks & Recreation staff on individual school campuses throughout the City; and

WHEREAS, the school campuses will agree to purchase this service on an individual basis, thereby creating a separate signed agreement with specific dates, days, and times pertinent to that individual school, and requiring the City Manager's signature.

THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the authorization for City Manager's signature on agreements between the City of Modesto and Modesto City Schools for recreation program 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 19th day of November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-635

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A JOINT POWERS AGREEMENT WITH THE COUNTY OF STANISLAUS TO PROVIDE FOR FORMATION OF A JOINT POWERS AGENCY (JPA) FOR THE PURPOSE OF CONSTRUCTING AND MANAGING A CITY-COUNTY ADMINISTRATION CENTER IN DOWNTOWN MODESTO.

WHEREAS, the City and the County recently completed a joint study of downtown facilities, and

WHEREAS, on October 21, 1996, the City Council, the Stanislaus County Board of Supervisors and the Stanislaus County Office of Education authorized their respective executive officers to sign a "Letter of Intent" authorizing the county and City staff to enter into negotiations to build a City-County Administration Center to be located in downtown Modesto, and

WHEREAS, it has been recommended that the City and County form a JPA for the purpose of designing, constructing, owning, operating, managing and financing the City-County Administration Center, and

WHEREAS, it has been proposed that the governing body of the JPA will be a six-member commission consisting of two members of the City Council, as selected by the City Council, and two members of the County Board of Supervisors, as selected by the Board of Supervisors, the County Chief Executive Officer, and the City Manager,

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

1. That the City Council hereby certifies that it has reviewed and considered the Addendum to the Supplemental Environmental Impact Report for the Plaza Project that was previously certified by the Redevelopment Agency of the City of Modesto on December 27, 1994, a copy of which is attached hereto and incorporated herein by reference.

2. That the City Council hereby authorizes the City Manager to take such actions and to execute whatever documents are necessary or appropriate to form a City-County Joint Powers Agency and to negotiate and execute a Joint Powers Agreement to provide for the formation of a Joint Powers Agency (JPA) with Stanislaus County for the purpose of constructing and managing a City-County Administration Center to be located in downtown Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of November, 1996, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Friedman, Serpa, Mayor pro tem
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Fisher, McClanahan, Mayor Lang

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Introduction

This is an Addendum to the Supplemental EIR for the Plaza Project (now named 10th Street Place) certified by the Redevelopment Agency of the City of Modesto via Agency Resolution No. 17-94 on December 27, 1994. This Addendum is prepared pursuant to Section 15164 of the CEQA Guidelines, subdivision (a) and (e), to address minor changes in and new information relating to the project and to explain why the Agency has found that such minor changes and new information does not trigger the need for another subsequent or supplemental EIR under Section 15162 and 15164 of the CEQA Guidelines.

Background

In 1991 an expanded project area for the Modesto Redevelopment Project was adopted. At that time a Draft and Final EIR were prepared as required by CEQA (State Clearinghouse No. 90021233) and subsequently certified by the Redevelopment Agency in Resolution 27-91. These are available for review at the offices of the Redevelopment Agency.

Section 15180(b) of the CEQA Guidelines states that, "An EIR on a redevelopment plan shall be treated as a program EIR with no subsequent EIRs required for individual components of the redevelopment plan unless a subsequent or a supplement to an EIR would be required..."

Sections 15162 and 15163 of the CEQA Guidelines require a subsequent or supplemental EIR only if there are substantial changes in the project or surrounding circumstances involving new significant environmental impacts, or if other new information of substantial importance which could not have been known previously with the exercise of reasonable diligence becomes available and discloses new impacts or feasible mitigation measures or alternatives.

In 1994 the Redevelopment Agency submitted to the City of Modesto's Environmental Assessment Committee a redevelopment project known as the "Plaza Project." The project has since been renamed "10th Street Place." The Committee determined that a supplement to the previous Program EIR, focused on a single issue of potential impact should be prepared. The impact was that on an historic building, the Covell Hotel.

A draft and final supplemental EIR were prepared. Concurrently with adoption of the development agreement for the Plaza Project in December 1994, the City Council found that the loss of the Covell Hotel would be a significant environmental impact of the project. The City Council also found that specific economic, legal, social, technological, and other considerations made infeasible the mitigation measures and alternatives identified in the supplemental EIR, and that the benefits of the Plaza Project outweighed the significant impact on the Covell.

These findings were subsequently challenged in Stanislaus County Superior Court where the actions of the City and Agency were upheld. This decision was appealed to the Fifth District Court of Appeals, which also upheld the City and Agency findings and actions.

In the spring and summer of 1996 the school district occupants of the project, Modesto City Schools and the County Office of Education, withdrew from the project. However, Stanislaus County has now decided to join the project. The City and County would construct a joint administration building. This change, together with other changes necessitated by information recently acquired about the status of certain properties, has resulted in the rearrangement of the project site plan.

The Redevelopment Agency is about to take a number of steps regarding the Plaza Project, including formation of a joint powers agency with Stanislaus County, revision of the project Disposition and Development Agreement, and other approvals and discretionary actions related to the project. The Redevelopment Agency and other responsible agencies will consider this Addendum with the supplemental EIR prior to making its decisions on these discretionary actions.

Comparison of Current and Previous Project

The revised project has the same components as the previous project. Those components are an office building, retail space, multi-screen cinema complex and parking. These project components, though, have been rearranged on the site for the reasons outlined below.

Total Square Footage in Project

Following is a table comparing the total building square footage of the project adopted in 1994 with the project as revised in 1996 (after loss of the school districts and addition of Stanislaus County).

	<u>Previous</u>	<u>Current</u>
1. Office building square footage	253,000	220,000
2. Retail square footage	83,000	60,000
3. Cinema square footage	61,000	60,000
4. Parking square footage (600+ spaces)	<u>180,000</u>	<u>180,000</u>
Total building square footage	577,000	520,000

Total building square footage has been reduced by approximately 10%.

Total Project Land Area

Total land available for the project has also been reduced. The reason for this reduction is the result of the Phase 1 and Phase 2 environmental tests of all the project properties. Two properties along 9th Street, which was the location of the parking garage in the previous site plan, have underground soil and/or water contamination problems. These are the parcels at the corners of 9th and J and 9th and K Streets.

These findings created three problems for the project. One was the potential for costly clean-up operations. The second was the potential for project delays due to clean-up activities. The third was concern about potential liability. For these reasons the half-block along 9th Street was judged not to be a suitable location for the project's parking garage. Therefore, while there has been some reduction in the project's total square footage, the amount of land in the project site in which to build the project has decreased by an even greater amount, significantly reducing the Agency's ability to identify alternative site plans which could accomplish the Agency's goals.

Parking Garage and Cinema Location

For the reasons set forth below (as well as in the analysis of Alternative Three), the Agency has determined that the only design and location for the parking garage which would feasibly advance the project's main objectives is a structure three bays in width along K and 11th Streets.

There were two options for relocating the parking garage. One was to the west side of 10th Street. However, placing the parking along 10th Street would undermine the redevelopment goal of creating a major retail environment along this street.

The second option was to locate the parking on the block between 10th and 11th Streets. Again the east side of 10th Street was not viable because it would undermine the goal of having 10th as a major retail street. The J Street frontage of this block was not desirable because J Street between 9th and 12th Streets is very narrow and focusing the garage traffic on J Street would overly congest this street.

In the block between 10th and 11th Streets, therefore, the best location for the garage is along 11th and/or K Streets.

As previously planned along 9th Street, the garage would have been two parking bays wide. It was possible to have only two bays because the entire 400 feet of frontage was to be used. The length of the garage parcel enabled the project to provide the required parking in only two bays without being excessively tall and dominating the project architecturally and aesthetically.

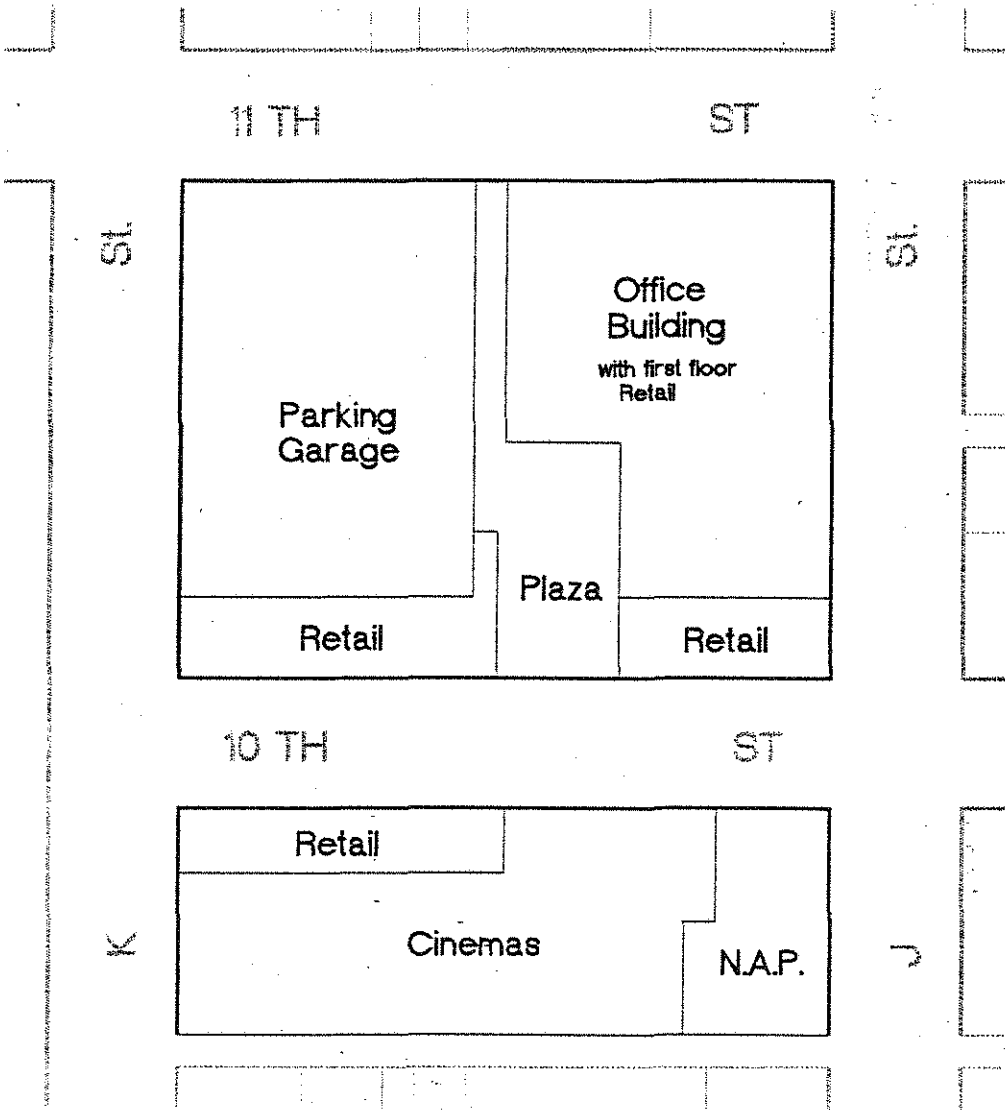
Along K Street between 10th and 11th it is not physically possible to get 400 feet for the garage since the total dimension is only 300 feet. While there is 400 feet of frontage along 11th Street between J and K Streets, it is again not desirable from a policy point of view of encouraging retail to devote this entire frontage to the parking garage.

If the garage was left at two bays in width and the length of the garage reduced substantially, in order to achieve the required parking the garage would have been 7 or 8 stories in height. This would create a garage that aesthetically and architecturally dominated the site.

Therefore the garage has been redesigned to be three bays wide and to be focused on 11th and K Streets. At three bays the garage can be limited to three or four stories and will not dominate the site.

With regard to the cinemas, their depth is such that they can fit on the west side of 10th Street. Furthermore, the cinemas, in conjunction with retail uses in the cinema building, would help to create the retail environment desired along 10th Street.

The attached revised project site plan incorporates these changes. It features the cinemas on the west side of 10th Street, retail on both sides of 10th Street, parking focused at the corner of 11th and K Streets, and the major office building focused on J Street.



Revised Site Plan

Alternatives to the Project

The 1994 supplemental EIR analyzed four conceptual project alternatives for saving the Covell Hotel. These four alternatives are reanalyzed below based on the revised site plan as described above.

Alternative One: Exclude the Covell Property

This alternative simply excluded the Covell property from the project. As the previous analysis showed, while there are many possible site plan redesigns without the Covell property, they all have one thing in common. In all cases there would be less land to accommodate the project uses. This is even more so the case with the current plan given the reduction in total land area explained above.

The attached Alternative One Site Plan shows how this alternative might look. Without the Covell property, and with a three bay parking garage focused on 11th and K Streets, there are few options for siting the retail and offices. The plan shows the offices at the corner of 10th and J Streets and the retail along 10th Street backing up to the parking garage.

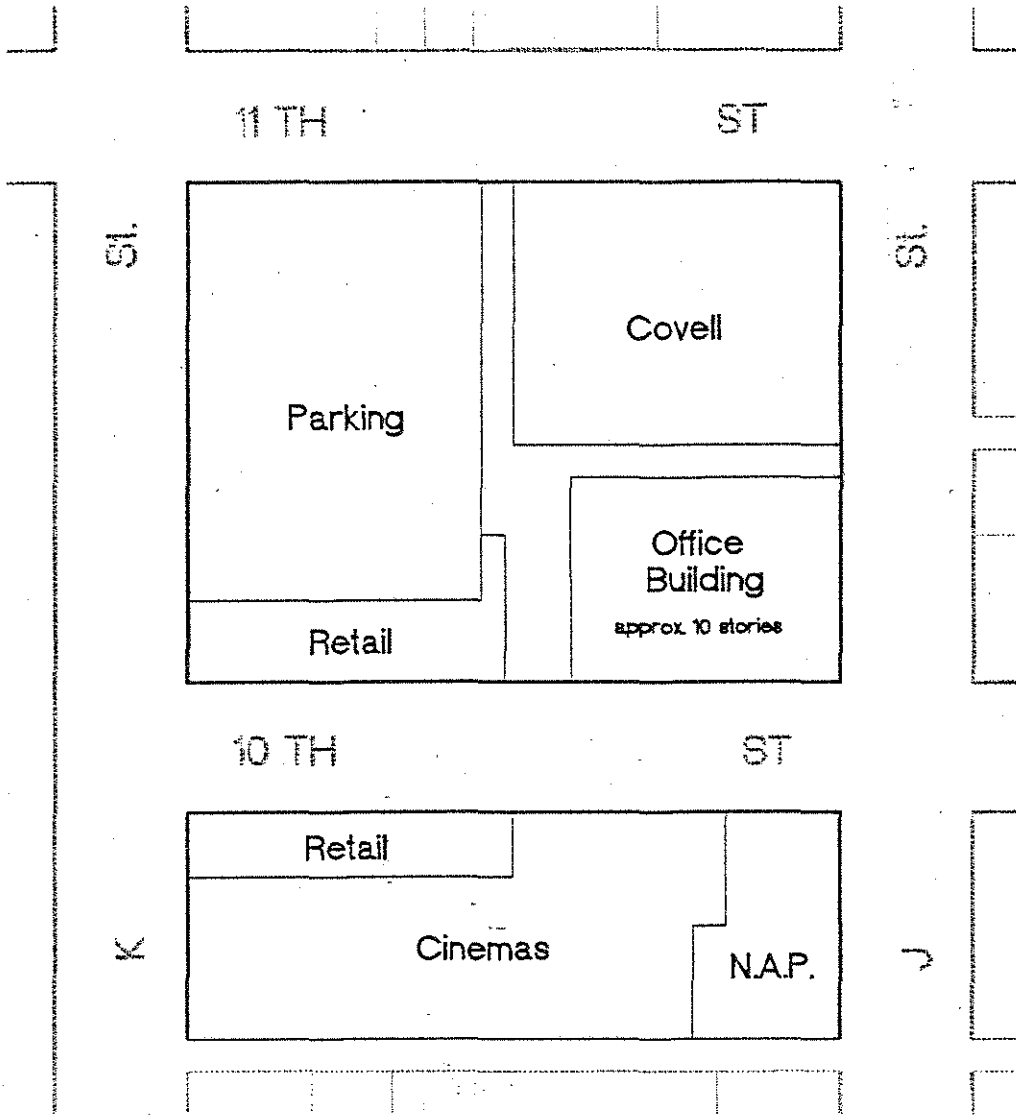
As with this alternative when analyzed in the December 1994 supplemental EIR, the main impact of this alternative is cost. In order to construct 220,000 gross square feet of offices on the pad shown, the office building would have to be at least 10 stories in height. As explained in the previous supplemental EIR, this would add substantially to the cost of the building. The reason for the added costs is that the building height requires more stringent and costly life-safety building measures. The current estimate of the cost of the office building is approximately \$25 million. At a minimum the added cost of the building would be \$2 million.

As in 1994, a secondary impact of this alternative would be the fact that the Covell Hotel would remain as is. In its current dilapidated state, it may be impossible to convince potential project tenants to locate next door in the redevelopment project. The presence of the dilapidated Covell is a serious impediment to the success of 10th Street Place.

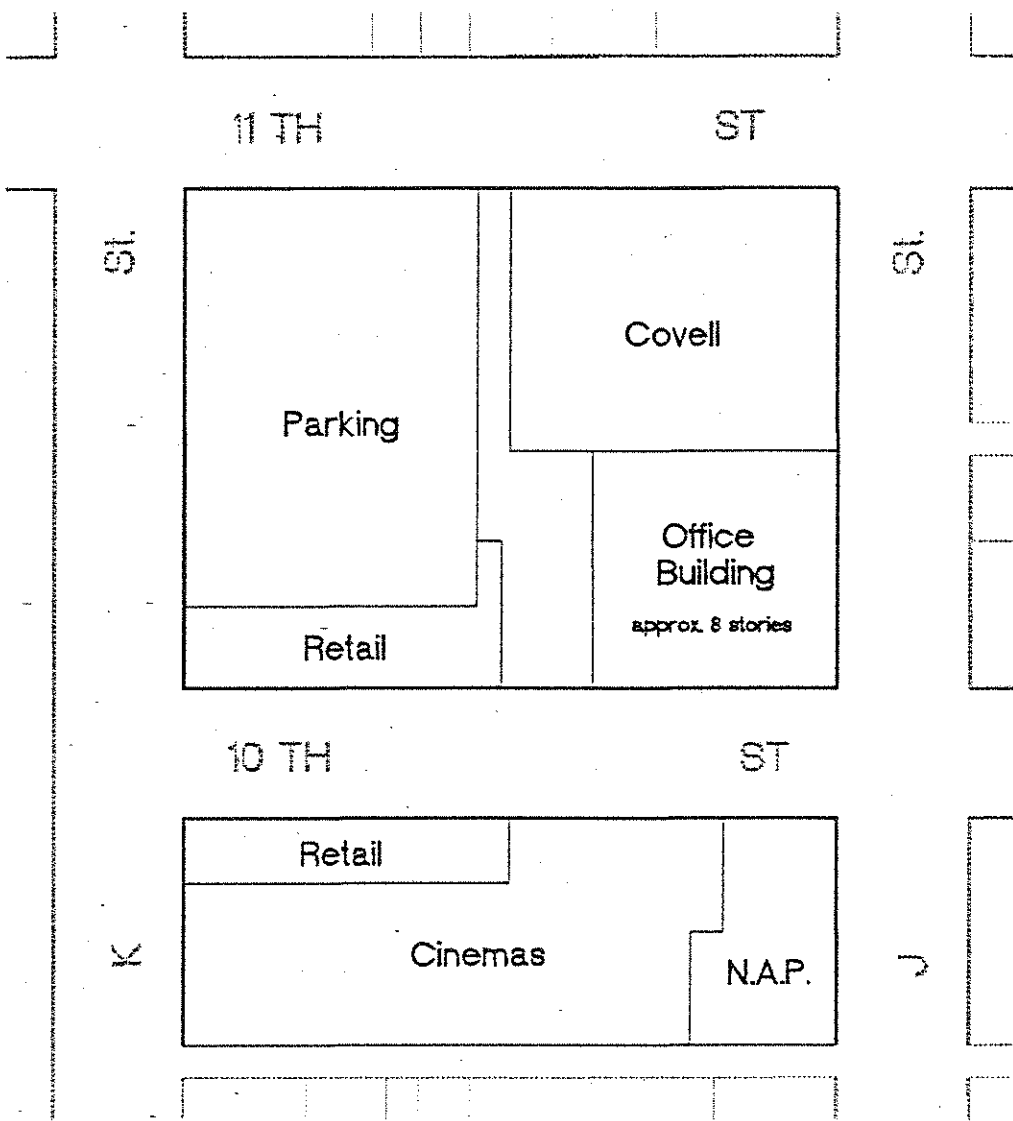
Another secondary impact of this alternative would be that it would be extremely difficult to provide the public plaza event space as envisioned for the project. The site is simply too tight to accommodate the space the plaza requires.

Alternative Two: Include the Covell Structure in the Project

This alternative renovated the Covell and included it in the project. It was determined in the previous supplemental EIR that about 17,000 square feet of retail, and 40,000 square feet of offices could be accommodated.



Alternative One Site Plan



Alternative Two Site Plan

The attached Alternative Two Site Plan for this alternative is basically the same as for the first alternative. The only variations would be in the height of the office building and possibly in the size of the 10th Street retail building.

With the possibility of 17,000 square feet of retail in the Covell, one of two things could happen with project retail. Either the retail building along 10th Street could be reduced somewhat in size or the total project retail could be increased.

With the possibility of 40,000 square feet of offices in the Covell, the adjacent new office building could be decreased a corresponding amount. This would result in a minimum 8 story office building. At this height the building still requires the higher life-safety requirements and therefore the added cost still applies.

As with this alternative when previously analyzed, the major impact is that of cost. In addition to the added cost for the new building, as previously explained, renovating space in the Covell for offices would be more costly than building those offices in a new building.

Alternative Three: Partial Move of the Plaza Project

This alternative contemplated the feasibility of moving part of the project to other blocks, thus eliminating the impact on the Covell.

The first alternative in the previous supplemental EIR was to relocate the cinemas off the Covell block to the west side of 10th Street. By moving the cinemas sufficient space might be created between 10th and 11th so that the Covell could remain.

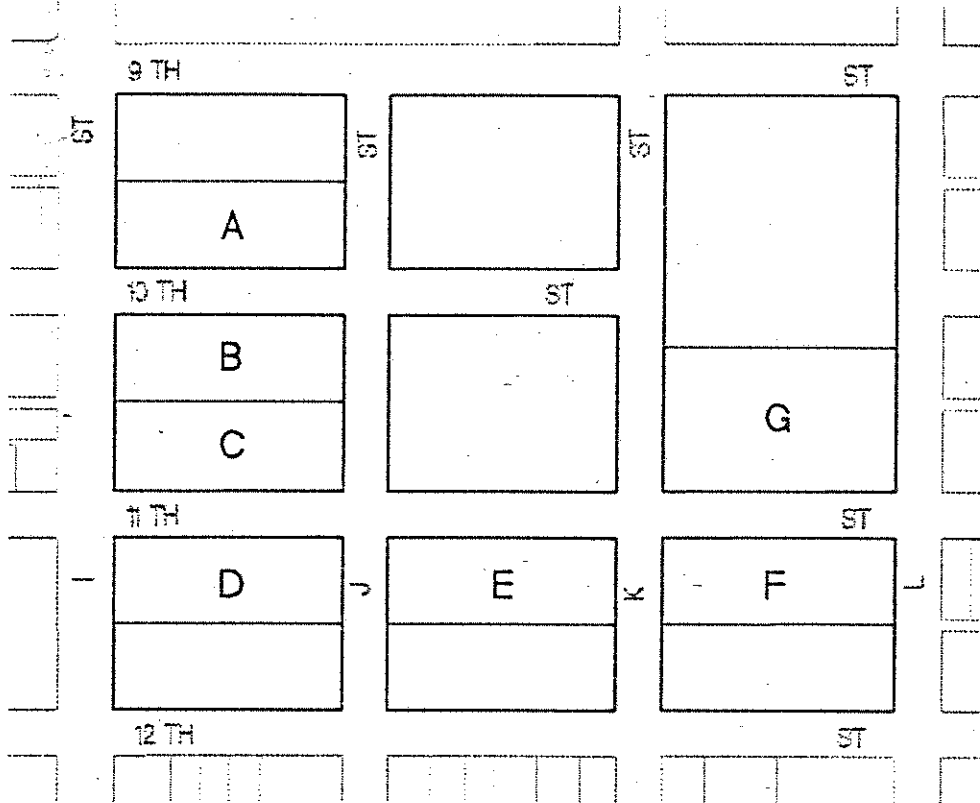
Indeed, this change of the cinema location has been incorporated into the revised plan. But as described above, the parking garage has had to be relocated to the block between 10th and 11th, and additional space for the Covell is therefore not created. The analysis in this case is exactly as described in alternatives one and two.

Moving the cinemas to the southeast corner of 10th and J Streets, another option explored in the previous supplemental EIR, fares no better. Wherever the cinema might be located, with the garage on the block between 10th and 11th, moving the cinemas does not create the flexibility to save the Covell.

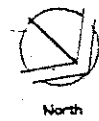
Another alternative would be to relocate the parking garage to a block other than the block between 10th and 11th Streets. The two attached drawings, Alternative Parking Garage Locations, identify a number of alternative garage sites. The first drawing identifies sites for a two-bay width garage. As previously noted, in order that a two-bay garage not be excessively tall, the two-bay garage needs a full block frontage of 400 feet. The second drawing identifies sites for a three-bay garage, which while requiring a wider parcel of land, does not require a full block frontage of 400 feet.

For the two-bay garage seven alternative sites are shown, labeled A through G. Following is an analysis of the feasibility of each of these sites.

A.B: Placing the garage on the west or the east side of 10th between I and J Streets



Alternative Parking Garage Locations
Two-Bay Garage

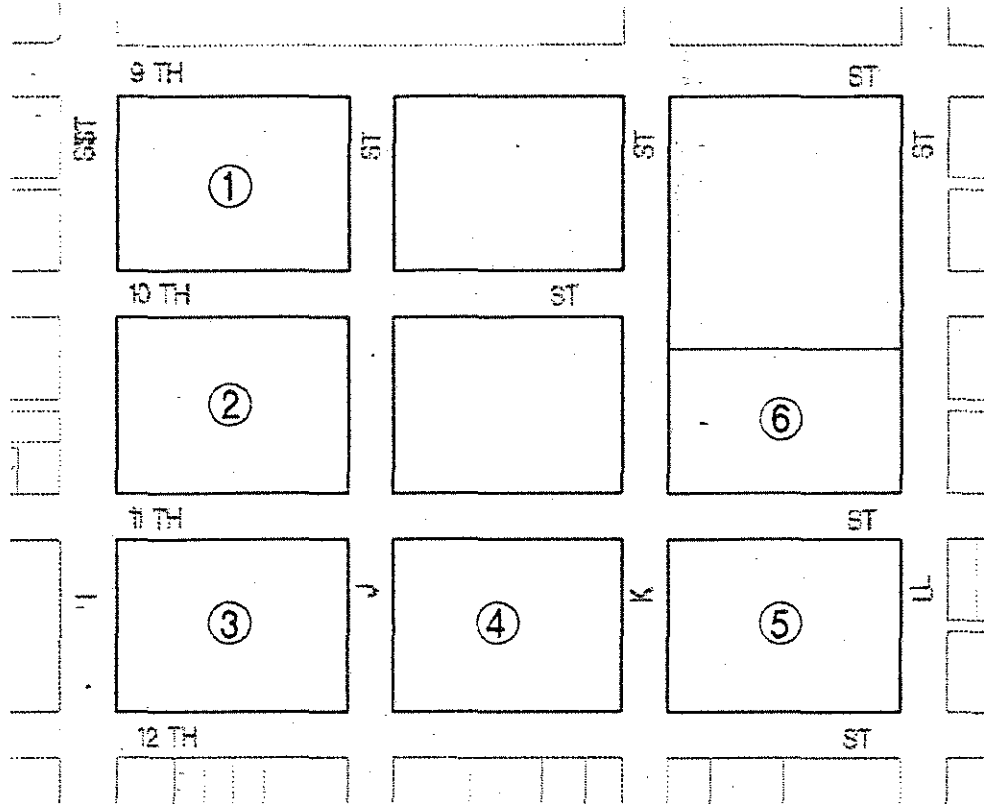


would undermine the Agency's goal of strengthening retail along 10th Street.

- C: This half block already contains a parking garage. One option would be to expand the existing garage. But the existing garage is flanked on both sides by major office buildings. This existing garage was designed to some day allow it to be expanded by one floor. Such an expansion, though, would create only about 80 spaces and would not meet the Plaza project demands.
- D: This half block already contains three significant office buildings, six retail stores, and a restaurant. Removal of these existing offices and retail stores would again undermine the Agency's goals. In addition, parking on this half block is too far removed from the cinemas, both in terms of walking distance and line of sight.
- E: This half block already contains a major four story office building, a freestanding financial institution, and a one story office and retail building. Removal of these existing offices and retail businesses would again undermine the Agency's overall goals. As with site D, the parking would also be too far removed from the cinemas.
- F: This half block already contains a freestanding financial institution, an office building, and a multi-story apartment house. In addition to the loss of these uses were the garage to be located on this site, demolition of the housing units would significantly increase projects costs. This is because redevelopment law requires that the demolished units be replaced and the tenants relocated. Finally, as with D and E, the parking on this half block would be too far removed from the cinemas.
- G: This property is currently used as a parking lot for the City's convention center. However, the parking lot is an interim use and this site is currently designated as the location for a performing arts center.

For the three-bay garage, there are six possible blocks where the garage could be located. Following is an analysis of these blocks.

- 1: Placing a three-bay garage in this block would require most of the distance between 9th and 10th Streets somewhere in the block, leaving a small depth of retail to front on 10th. Unfortunately, this would be a step backwards for the Agency's 10th Street retail goal since it would displace a number of existing retail stores which could not fit into shallow depth retail space. In addition, if placed directly along J Street, where the parking would be most convenient for the project, the garage would require the demolition of two buildings which have been recently remodeled, one in part with redevelopment funds from the Agency's facade renovation program.
- 2: Because of the presence of the existing parking garage in this block, it is not possible to locate a new three-bay garage in the block.



Alternative Parking Garage Locations
 Three- Bay Garage



- 3: The southerly half of this block would be too far removed from the cinemas and would require the demolition of a major office building and the U.S. Post Office. The northerly half of the block would require the demolition of a major office building and a freestanding financial institution. In addition, the northerly half would displace existing and future retail uses along J Street.
- 4: The southerly half of this block would require demolition of two major financial institutions and two office buildings. The northerly half of this block would require demolition of a major financial institution and a mixed office/retail building. In addition, this block is too far removed from the cinemas, particularly in terms of line of sight.
- 5: The southerly half of this block would require demolition of a major freestanding financial institution, several small businesses and a restaurant. The northerly half of this block would require demolition of four office buildings and an apartment house. In addition, this entire block would be too far removed from the cinemas both in terms of distance and line of sight.
- 6: This property, as discussed above, is the location for creation of a performing arts center in conjunction with the convention center.

Finally, all of these partial move alternatives, whether they move the cinema or the parking, leave the Covell in its current dilapidated state. As such these alternatives pose a serious impediment to the success of the redevelopment project.

Alternative Four: Complete Move of the Plaza Project

This alternative contemplated the feasibility of moving the entire project to other blocks.

The project changes described above have no impact on the analysis of this alternative. The analysis is identical to that in the previous supplemental EIR.

Summary

In summary, the rearrangement of the project components with the new site plan does not make feasible any of the alternatives analyzed in 1994 which would enable the Covell to remain.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-636

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND G-REM-INC FOR DONATION OF BARN TO THE GREATER MODESTO COMMUNITY FOUNDATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and G-Rem-Inc for donation of barn to the Greater Modesto Community Foundation 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 November, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Lang

ATTEST:


JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-637

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 28-3-9 OF THE ZONING MAP TO REZONE FROM NEIGHBORHOOD COMMERCIAL ZONE, C-1, TO PLANNED DEVELOPMENT ZONE, P-D(490), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(490), PROPERTY LOCATED ON THE NORTHEAST CORNER OF SCENIC DRIVE AND BODEM STREET. (ACACIA MEMORIAL PARK)

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, Acacia Memorial Park has proposed that the zoning designation for the property located the northeast corner of Scenic Drive and Bodem Street be amended to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(490), as an addition to Planned Development Zone, P-D(49), property located on the northeast corner of Scenic Drive and Bodem Street, in the City of Modesto ("the project"), and

WHEREAS, on September 27, 1996, the City's Community Development Department by Environmental Assessment 96-122 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 October 21, 1996, 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 September 27, 1996, 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

City of Modesto
Initial Study

E.A. No. 96-122

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the P-D Zone change. 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: **Acacia Memorial Park**
- B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:
Dennis Wilson - Mid-Valley Engineering, Inc. 526-4214
- D. Project Location:
The northeast corner of Scenic Drive and Bodem Street
- E. Project sponsor: Acacia Memorial Park
- F. General Plan Designation: RPD (Redevelopment Planning District)
- G. Current Zoning: C-1
- H. Description of Proposed Project: This project is rezone from C-1 to P-D Planned Development, for expansion of the adjacent cemetery.
- I. Surrounding land uses: The eastern portion of the project is Bodem Street and the County Senior Citizen Center. To the west and north are the adjacent cemetery. On the south side is Scenic Drive.
- J. Other public agencies whose approval is required:

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 project will provide up to 500 additional cemetery plots for the cemetery. The development of this parcel in itself will not present impacts that were not analyzed in the MEIR. All of the roads will be improved to City standard at this location. This is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. Degradation of Air Quality

This project will provide infill development within the City of Modesto. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. Generation of Noise

This project is adjacent to and surrounded by urban development. Although the project will add additional traffic to the neighborhood, it will not create additional significant effects beyond those identified in the impact analysis. The wall will adequately muffle any additional noise impacts. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. Loss of Productive Agricultural Land

The project is located on vacant land. Redevelopment. Thus, it will not contribute to the loss of productive agricultural land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. Increased Demand for Water Supplies

This project which will provide for additional cemetery development, which will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for

Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

This project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites

This project and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

J. Increased Demand for Storm Drainage

The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

K. Increased Demand for Parks and Open Space

This project will not have an effect upon the parks or open space needs in the area.

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 project will not generate any additional demand upon the local school districts. In addition, 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 proposal has a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. Increased Demand for Fire Services

This subdivision proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 1 is less than one mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.

O. Generation of Solid Waste

This subdivision and subsequent development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are, therefore still valid.

P. Generation of Hazardous Materials

This proposal will result in no additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. Landslides and Seismic Activity

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV- 1-11) are, therefore still valid.

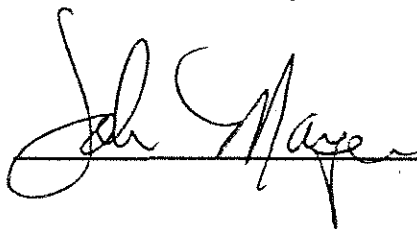
R. **Energy**

This proposal will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed zone change application is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).
- B. The Project 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 zone change 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: _____

9-27-96

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 26th day of November, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

2/2/97

MODESTO CITY COUNCIL
RESOLUTION NO. 96-638

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(490), AS AN
ADDITION TO PLANNED DEVELOPMENT, P-D(490).
(ACACIA MEMORIAL PARK)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by Acacia Memorial Park on August 28, 1996, to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(490), as an addition to Planned Development Zone, P-D(490), to allow a cemetery expansion, property located on the northeast corner of Scenic Drive and Bodem Street, described as follows:

C-1 to P-D(490) as an Addition to P-D(490)

All that certain real property situate in a portion of the southeast quarter of the northwest quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Starting at the southeast corner of the northeast quarter of the northwest quarter of said Section 28, as shown on the map of Capital Heights Addition filed in the office of the Recorder of Stanislaus County, on May 29, 1912, in Volume 6 of Maps, Page 41; thence southerly 690 feet, more or less, to the southeast corner of Block 595, being also on the northerly line of 80 foot Scenic Drive, also being the Point of Beginning; thence southwesterly 218 feet, more or less, to the southwest corner of said Block 595; thence northerly 196 feet, more or less, to a point on the east line of Bodem Street 560 feet south of the north line of said Block 595; thence on a line parallel to the north line of said Block 595; easterly 197 feet, more or less, to a point of the east line of said Block 595; thence southerly 100 feet, more or less, to the Point of Beginning.

Including also the north half of 80 foot Scenic Drive, and the east half of 60 foot Bodem Street, all immediately adjacent to the above-described property.

WHEREAS, after a public hearing on October 21, 1996, 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. 96-49, that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. That the proposed P-D Zone is in accordance with community objectives as set forth in the General Plan, which allows for expansion of the adjacent cemetery.
2. The proposed rezone from C-1 to P-D is within the scope of the General Plan as covered by MEIR (SCH#92052017).

WHEREAS, after a public hearing held on November 26, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Acacia Memorial Park for an amendment to Section 28-3-9 to rezone from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(490), as an addition to Planned Development Zone, P-D(490) should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 96-49 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3011 -C.S. on the 26th day of November, 1996, reclassifying the above-described property from Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(490), as an addition to Planned Development Zone, P-D(490).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(490), as an addition to Planned Development Zone, P-D(490), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plans titled "Acacia Memorial Park" as amended in red, stamped approved by the City Council on November 26, 1996.
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 and walls shall be constructed prior to occupancy and shall be constructed as per the site plan and elevations in accordance with this application.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris. This will include all the area immediately outside the proposed wall and fence.
5. Street dedication consistent with Standard Specifications and the proposed site plan 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. The existing approach into the property from Bodem Street shall be closed off and the existing driveway onto Scenic Drive shall be widened with a drop-curb approach design.
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. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Community Development Department.
9. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any claim, action or proceeding against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto of a subdivision approval, which action is brought within the time period provided for in Code of Civil Procedure Section 1094.6 and Public Resource Code 21167 of the State of California. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the 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(490), as an addition to Planned Development Zone, P-D(490):

The entire construction program be accomplished in one phase, construction to begin on or before October 21, 1998, and completion to be not later than October 21, 1999.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to

Planned Development Zone and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(490), as an addition to Planned Development Zone, P-D(490), 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 November, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Jean Adams
Community Development Department
Development Services

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 96-639

A RESOLUTION APPROVING AN AMENDMENT TO THE GENERAL PLAN EXEMPTING THE NORTH BEYER PARK SPECIFIC PLAN FROM THE GENERAL PLAN POLICY REQUIRING THE PREPARATION OF A FOCUSED EIR FOR COMPREHENSIVE PLANS AND REVISING THE COMPREHENSIVE PLANNING DISTRICT SUMMARY MAP AND TEXT, THE NORTH BEYER COMPREHENSIVE PLANNING DISTRICT MAP AND TEXT, AND THE ADOPTED LAND USE DIAGRAM, TO REFLECT THE NONRESIDENTIAL USES PROPOSED IN THE NORTH BEYER PARK SPECIFIC PLAN, AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS.

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report 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, and 96-338, copies of which are on file in the office of the City Clerk, and

WHEREAS, the City of Modesto Urban Area General Plan, adopted August 15, 1995, contains in Chapter III, policies for the preparation of Comprehensive Plans, pages III-11 through III-13, and

WHEREAS, Comprehensive Policy III-D-1-g requires the preparation of a Focused EIR for each Comprehensive Plan, and

WHEREAS, the North Beyer Park Specific Plan is such a Comprehensive Plan, and

WHEREAS, an Initial Study, based on Appendix I of the California Environmental quality Act (CEQA) Guidelines, provided review of the project pursuant to the City of Modesto's General Plan Master EIR (SCH #92052017), and

WHEREAS, the following statement: "The North Beyer Specific Plan, because a previous EIR was prepared (SCH #91102032), is exempt from this requirement" is proposed to be added to Policy g, page III-12 of the General Plan text, and

WHEREAS, the Land Use Summary, Land Use Diagram, Figure 2 of the Draft North Beyer Specific Plan contains approximately 30 acres of proposed nonresidential uses in the form of Mixed-Use areas designated as "MU", and

WHEREAS, the General Plan, Comprehensive Planning District Summary map (Exhibit III-1) and text (Page III-15), do not reflect the proposed nonresidential uses for the North Beyer Comprehensive Planning District, and

WHEREAS, the Community Development Policies in the General Plan, specifically, the North Beyer Comprehensive Planning District text, pages III-62 and 63, do not reflect the proposed nonresidential uses, but allows only 1200 residential units, and

WHEREAS, the North Beyer Comprehensive Planning District map Exhibit III-15 does not reflect the proposed

nonresidential uses, and

WHEREAS, the Adopted General Plan Land Use Diagram, Figure III-1, does not reflect the proposed North Beyer Comprehensive Planning District nonresidential uses, and

WHEREAS, City staff has proposed the following changes:

1. That "The North Beyer Specific Plan, because a previous EIR was prepared (SCH #91102032), is exempt from this requirement" is proposed to be added to Policy g, page III-12 of the General Plan text per attached Exhibit "A".

2. That the General Plan, Comprehensive Planning District Summary map (Exhibit III-1) and text (Page III-15), be amended to reflect the proposed nonresidential uses for the North Beyer Comprehensive Planning District per attached Exhibit "A".

3. That the North Beyer Comprehensive Planning District text, pages III-62 and 63 be amended to reflect the proposed nonresidential uses as described in attached Exhibit "A".

4. That the North Beyer Comprehensive Planning District map, Exhibit III-15, be amended to reflect the proposed nonresidential uses as shown in attached Exhibit "A".

5. That the Adopted General Plan L and Use Diagram, Figure III-1, be amended to reflect the proposed North Beyer Comprehensive Planning District nonresidential uses as indicated in attached Exhibit "A", and

WHEREAS, pursuant to provisions of the 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 November 4, 1996, the Planning Commission held a duly noticed public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, relating to a proposed amendment to the General Plan to exempt the North Beyer Park Specific Plan from the General Plan Policy requiring the preparation of a Focused EIR for Comprehensive Plans and amending the corresponding Master EIR section, and relating to a proposed amendment to a proposed amendment to the General Plan to revise the Comprehensive Planning District Summary Map and Text, and the Adopted Land Use Diagram, to reflect the nonresidential uses proposed in the North Beyer Park Specific Plan, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolution No. 96-52, recommending to the City Council an amendment to the General Plan to revise the Comprehensive Planning District Summary Map and Text, the North Beyer Comprehensive Planning District Map and Text, and the Adopted Land Use Diagram, to reflect the nonresidential uses proposed in the North Beyer Park Specific Plan, and

WHEREAS, the Planning Commission adopted Resolution No. 96-53, recommending to the City Council an amendment to the General Plan to exempt the North Beyer Park Specific Plan from

the General Plan Policy requiring the preparation of a Focused EIR for Comprehensive Plans and recommended an amendment to the corresponding Master EIR section, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 4:00 p.m. on November 26, 1996, 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,

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

1. That it has reviewed and considered the Draft Mitigated Negative Declaration (SCH #96102053).
2. 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 Council hereby determines that the General Plan and Master EIR should be amended in the public interest to exempt the proposed North Beyer Specific Plan from the preparation of a Focused Environmental Impact Report for the following reasons:

1. The California Environmental Quality Act, Sections 15063 b(1)(B) and (C) and 15152, encourages the use of analyses in previous EIR's to streamline environmental review.
2. The projects impacts were adequately analyzed by a Mitigated Negative Declaration pursuant to the City's Master EIR which incorporated previous analysis of the Stanislaus County LAFCO Staged EIR and included a project-specific traffic study.

BE IT FURTHER RESOLVED that the proposed amendment to the Modesto Urban Area General Plan should be approved to revise the Comprehensive Planning District Summary Map and Text, the North Beyer Comprehensive Planning District Map and Text, and the Adopted Land Use Diagram, to reflect the nonresidential uses proposed in the North Beyer Park Specific Plan, for the orderly development of the City of Modesto, and said amendment is required for the public health, safety and welfare of the citizens of Modesto, for the following reason:

The added nonresidential uses are consistent with the General Plan policy for development of an undeveloped portion of an existing neighborhood such as North Beyer, namely the Neighborhood Plan Prototype.

BE IT FURTHER RESOLVED by the Council that the amendment to the General Plan to revise the text and map of the Comprehensive Planning District Summary North Beyer Comprehensive Planning District, Exhibit III-15, and Adopted Land Use Diagram, Figure III-1, to permit the nonresidential uses proposed by the North Beyer Park Specific Plans and that pages III-14 and 15, III-62, 63 and 64, and Figure III-1 of the General Plan are hereby approved as set forth 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.

The foregoing resolution was introduced at a regular

meeting of the Council of the City of Modesto held on the 26th day of November, 1996, 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

(SEAL)

APPROVED AS TO FORM:

By Mike Milich
MICHAEL D. MILICH, City Attorney

EXHIBIT "A"

- 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.

- 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.
- j. The Comprehensive Plan for each Comprehensive Planning District shall address the policies for the relevant Growth Strategy Designation (Baseline Developed Area or Planned Urbanizing Area) presented in Chapters II, III, IV, V, VI, and VII.
- k. Each Comprehensive Planning District shall address the need to provide sanitary sewer service, using the Sanitary Sewer Diagram presented in Chapter V.
- l. Once a Comprehensive Plan for a Comprehensive Planning District is adopted consistent with all of these Policies, all subsequent discretionary actions found consistent with the Comprehensive Plan are hereby deemed to be consistent with the Modesto Urban Area General Plan.

Exhibit III-1

COMPREHENSIVE PLANNING DISTRICT SUMMARY

<u>Exhibit No.</u>	<u>Comprehensive Planning District (CPD)</u>	<u>Land Use Designations Within the CPD</u>	<u>Acreage</u>
III-2	Beckwith/Dakota	Business Park	690
		Regional Commercial	350
III-3	Coffee/Claratina	Residential	130
		Regional Commercial	40
III-4	College West	Business Park	240
III-5	Dry Creek	Open Space	460
III-6	Empire North	Village Residential	270
III-7	Fairview	Village Residential	350
III-8	Hetch Hetchy	Village Residential	860
		Regional Commercial	120
III-9	Highway 99	Regional Commercial	570
III-10	Highway 132	Business Park	660
III-11	Johansen	Village Residential	610
III-12	Kiernan/Carver	Village Residential	650
		Business Park	660
		Regional Commercial	75
III-13	Kiernan/Carver North	Village Residential	450
		Regional Commercial	30
III-14	Kiernan/McHenry	Business Park	370
		Regional Commercial	100
			150
III-15	North Beyer	Residential	149
		Mixed Use	50
III-16	Paradise/Carpenter	Village Residential	810
III-17	Pelandale/McHenry	Residential	50
		Regional Commercial	50

Exhibit III-15

NORTH BEYER

COMPREHENSIVE PLANNING DISTRICT

1. Overview

This 160-acre Comprehensive Planning District is essentially an extension of the existing residential development (Beyer Neighborhood) south of Mable Avenue.

2. Principal Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Principal Comprehensive Planning District Policies presented in this Chapter.

3. Land Use Description

a. Land Use Types: (See Section III-B)

- 160 acres: 130 acres designated "Residential" and 30 acres designated Mixed Use

b. Distribution of Land Uses Within the CPD

~~None, as there is only one land use proposed.~~ The Mixed Use areas are located: 1) along Coffee Road between Pelandale Expressway and Mable Avenue; 2) the southwest corner of the Oakdale Road/Pelandale Expressway intersection.

4. Land Use Policies

a. Implementation of Adopted Land Use Policies:

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented earlier in this Chapter, as follows:

- (1) Overall Land Use Policies (Section III-C(1))
- (2) "Neighborhood Plan Prototype" Policies (Section III-C(2))

b. Supplemental Land Use Policies:

In addition, the Comprehensive Plan shall also address the following land use policies which apply to this particular Comprehensive Planning District:

(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,200 dwelling units.

(2) ~~Neighborhood Shopping Center(s) developed within the Mixed Use areas shall be consistent with the City's Neighborhood Shopping Center Policy.~~

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 CEQA REVIEW:~~

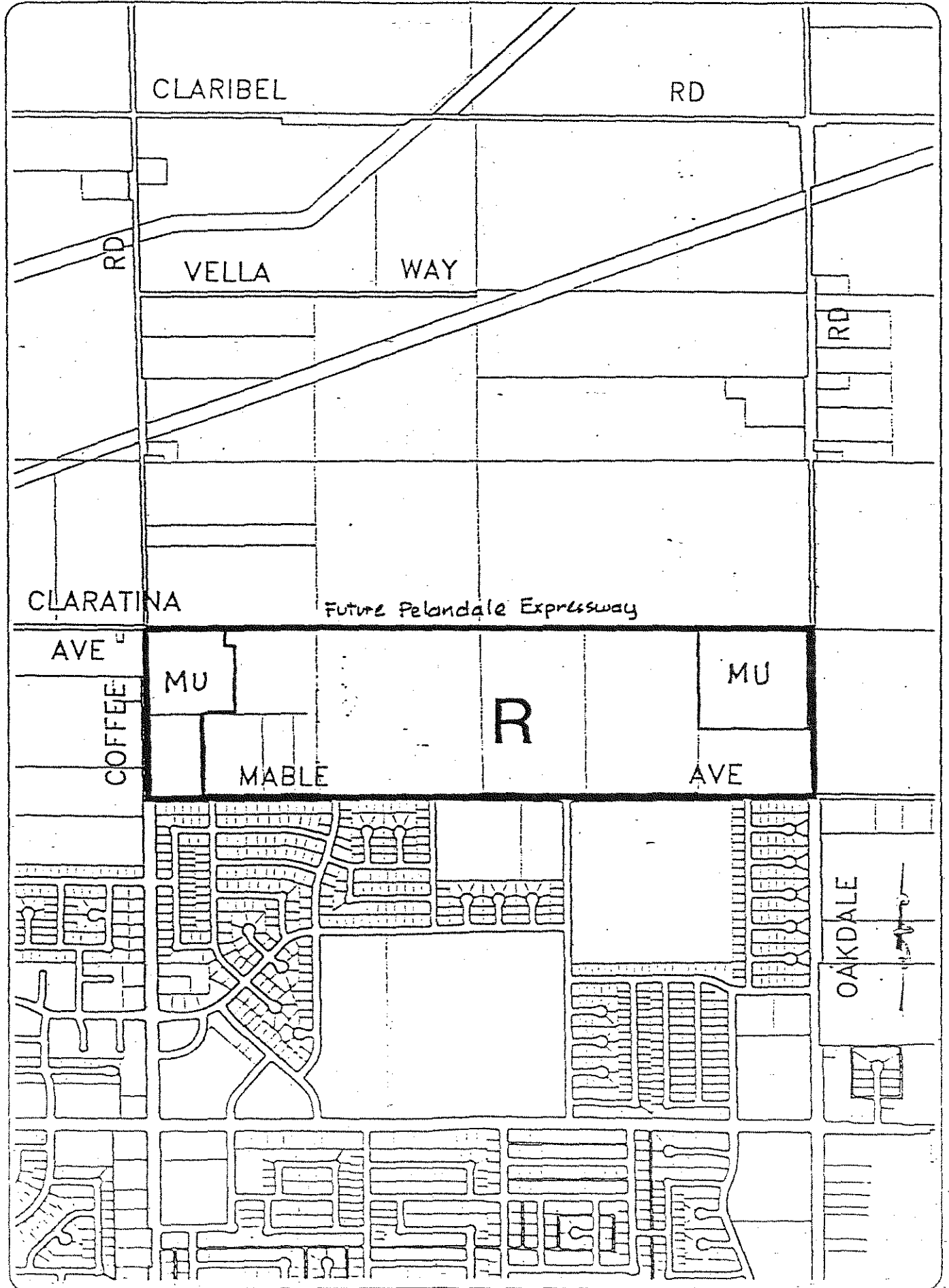
~~The Focused Environmental Impact Report for this General Plan Policy III (D)(1)(e) specifically exempts the North Beyer CPD from the requirement to prepare a Focused EIR. CEQA review for the Comprehensive Plan for the North Beyer Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:~~

a. A total of 1,200 dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

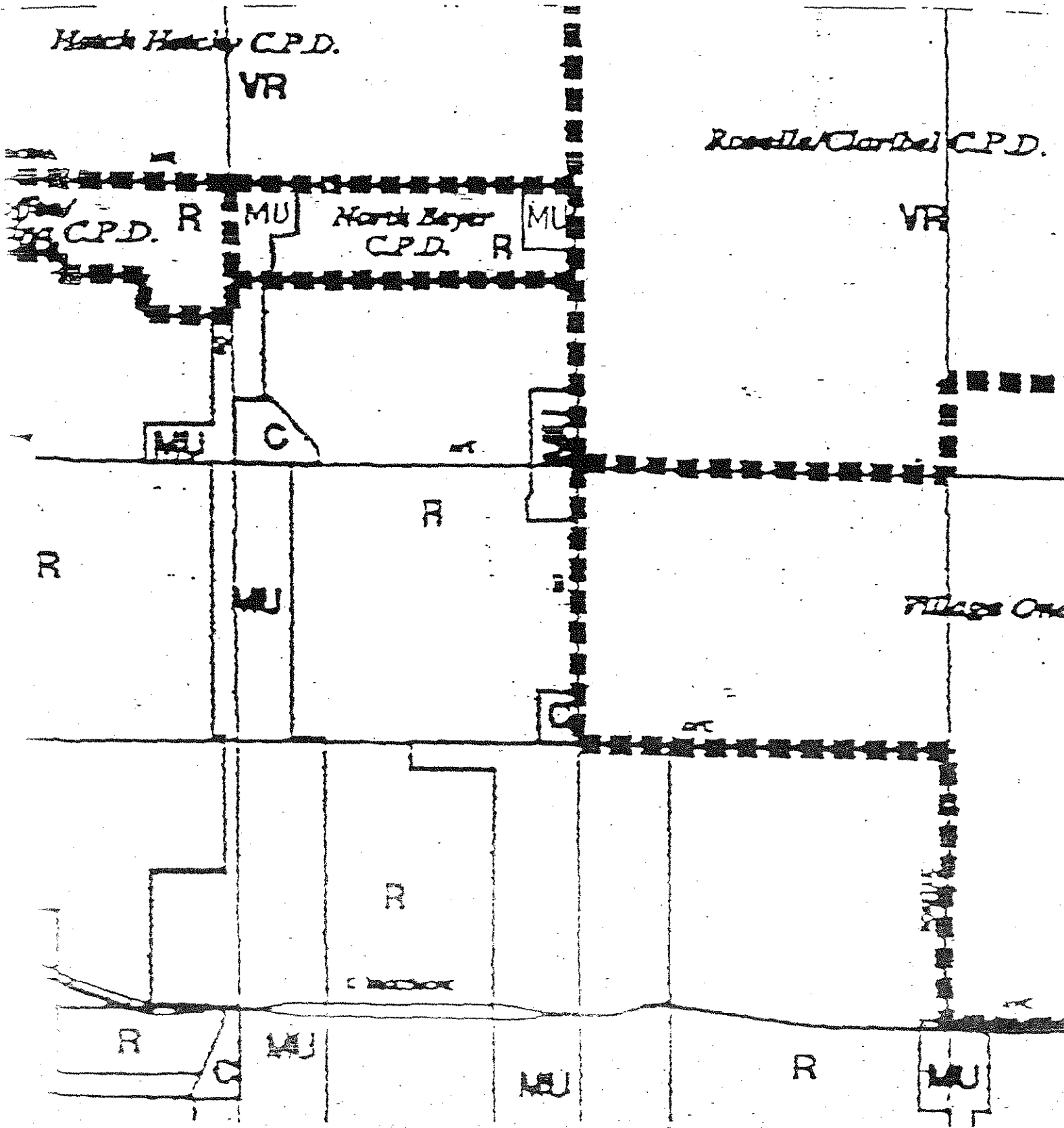
None.

NORTH BEYER C.P.D.



Proposed Amendment to General Plan:

Adopted Land Use Diagram-North Beyer C.P.D.



Link

MODESTO CITY COUNCIL
RESOLUTION NO. 96-640

A RESOLUTION APPROVING A MITIGATED NEGATIVE
DECLARATION FOR THE NORTH BEYER PARK SPECIFIC
PLAN AND GENERAL PLAN AMENDMENT.

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, an Initial Study, based on Appendix I of the California Environmental Quality Act (CEQA) Guidelines, provided review of the project pursuant to the City of Modesto's General Plan Master EIR (SCH #92052017), and

WHEREAS, the project is adoption of a Specific Plan for the development of the North Beyer Comprehensive Planning District (approximately 160 acres). The project also includes the approval of a General Plan amendment to: 1) allow the proposed commercial uses, and 2) exempt this project from the requirement to prepare a Focused EIR under the City's Master EIR, and

WHEREAS, the Initial Study (SCH #96102053) reviewed the project pursuant to CEQA Section 21157.5, which allows the preparation of a Mitigated Negative Declaration for a proposed subsequent project, and

WHEREAS, the Stanislaus County Local Agency Formation Commission (LAFCO) in connection with the annexation of the project area to the City, prepared a CEQA analysis in 1992 in the

form of a Staged EIR (CEQA Section 15167) that analyzed a substantially similar project in the Coffee/Claratina Reorganization - North Beyer Reorganization EIR, (SCH #91102032), and

WHEREAS, as encouraged by the CEQA Guidelines, the previous analysis of the Stanislaus County LAFCO EIR was incorporated by reference into the Initial Study (CEQA Section 15150), and

WHEREAS, the Initial Study, which included a Traffic Impact Analysis by Anderson Transportation Engineers, analyzed potentially new significant effects for Traffic and Circulation that were not analyzed in the Master EIR; and

WHEREAS, Mitigation to reduce project-specific impacts to less than significant was arrived at by City staff, including signalization and widening of project area intersections, and dedication and ultimate improvement of Pelandale Expressway to six through lanes, and

WHEREAS, the above-referenced Mitigation was incorporated into the project prior to Public Review, and

WHEREAS, the Initial Study and proposed Draft Mitigated Negative Declaration were released for Public Review from October 11, 1996, through November 12, 1996, and

WHEREAS, the Planning Commission is required to make a recommendation on this project to the City Council, and the Planning Commission may review and consider the Mitigated Negative Declaration in draft or final form, CEQA Guidelines Section 15025(c), and

WHEREAS, on November 4, 1996, the Modesto Planning Commission, after a duly noticed public hearing, adopted Resolution No. 96-54, recommending to the City Council approval of a mitigated negative declaration for the North Beyer Park Specific Plan and General Plan Amendment, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 4:00 p.m. on November 26, 1966, 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 Draft Initial Study and the Draft Mitigated Negative Declaration, hereby approves the Mitigated Negative Declaration, and makes the following findings:

1. That an Initial Study has identified no new potentially or additional significant effects on the environment that were not analyzed in the Master Environmental Impact Report.
2. That feasible mitigation measures were incorporated to revise the proposed subsequent project, before the Mitigated Negative Declaration and Initial Study were released for public review, in order to avoid the effects or mitigate the

effects to a point where clearly no significant effect on the environment will occur.

3. That there is no substantial evidence in light of the whole record before the City that the project, as revised, may have a significant effect on the environment.
4. The Mitigated Negative Declaration reflects the independent judgement of the City as lead agency.

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 26th day of November, 1996, 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

(SEAL)

APPROVED AS TO FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-641

A RESOLUTION ADOPTING THE NORTH BEYER PARK
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 North Beyer Comprehensive Planning District which allows implementation through Specific Plans prepared pursuant to Government Code Section 65450, and

WHEREAS, in August 1996, the applicant, Florsheim Development, initiated a proposal for development of the North Beyer Comprehensive Planning District (160 acres) the principal components being; single-family residential, mixed-use/Neighborhood Shopping Center/Professional Offices, and a Middle School site, and

WHEREAS, the Public Review Documents dated October 1996 which contained the Draft Specific Plan, also included the Draft CEQA Review document in the form of a Draft Mitigated Negative Declaration (SCH # 96102053), were distributed for a 30-day public review from October 11, 1996, through November 12, 1996,

and

WHEREAS, the Public Review Documents dated October 1996, which contained the Draft Specific Plan, also included the Draft CEQA Review document in the form of a Draft Mitigated Negative Declaration (SCH# 96102053), which were distributed to the Planning Commission on October 15, 1996 prior to the public hearing, and

WHEREAS, staff prepared and presented a revised Draft Specific Plan dated November 4, 1996, which contains recommended revisions to make the Plan conform to City of Modesto policies and standards for development, and

WHEREAS, the Planning Commission reviewed and considered the Public Review Documents dated October 1996 and the November 4, 1996 Draft Specific Plan along with the staff report, and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 4, 1996, to receive evidence both oral and documentary to consider making a recommendation to the City Council on the adoption of the Draft Specific Plan, and

WHEREAS, Proposed Revisions/Additions to the revised Draft Specific Plan dated November 4, 1996, (attached Exhibit "F"), were presented by staff to the Planning Commission for consideration, and

WHEREAS, by No. 96-55 adopted on November 4, 1996, the Planning Commission recommended to the City Council the adoption

of the North Beyer Park Specific Plan, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 4:00 p.m. on November 26, 1996, 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. The City Council has reviewed and considered the information contained in the Draft Mitigated Negative Declaration (SCH # 96102053).
2. That the Mitigated Negative Declaration is complete and adequate, that it has been prepared and completed in accordance with the provisions of CEQA.
3. That the revised Draft Specific Plan (consisting of Exhibit "C" to the November 4, 1996, North Beyer Park Draft Specific Plan) along with the Proposed Revisions/Additions (consisting of Exhibit "F") is consistent with the City of Modesto Urban Area General Plan.

BE IT FURTHER RESOLVED that the Council hereby adopts the North Beyer Park Specific Plan dated November 4, 1996, with the incorporation of the Proposed Revisions/Additions, a copy of which is attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED that this resolution shall become effective 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 26th day of November, 1996, 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

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

GENERAL PLAN AMENDMENT

FOCUSED EIR EXEMPTION

p. III-12, policy g.

p. III-65, policy 6.

Addendum to General Plan Master EIR,
p. IV-19-4, Section 19 (B)(2)(c)

- 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.

- 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.
- j. The Comprehensive Plan for each Comprehensive Planning District shall address the policies for the relevant Growth Strategy Designation (Baseline Developed Area or Planned Urbanizing Area) presented in Chapters II, III, IV, V, VI, and VII.
- k. Each Comprehensive Planning District shall address the need to provide sanitary sewer service, using the Sanitary Sewer Diagram presented in Chapter V.
- l. Once a Comprehensive Plan for a Comprehensive Planning District is adopted consistent with all of these Policies, all subsequent discretionary actions found consistent with the Comprehensive Plan are hereby deemed to be consistent with the Modesto Urban Area General Plan.

(1) Notwithstanding the land use intensities presented in Section III-B, this Comprehensive Planning District shall contain a maximum of 1,200 dwelling units.

~~(2) Neighborhood Shopping Center(s) developed within the Mixed Use areas shall be consistent with the City's Neighborhood Shopping Center Policy.~~

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 CEQA REVIEW:~~

~~The Focused Environmental Impact Report for this General Plan Policy III (D)(1)(g) specifically exempts the North Beyer CPD from the requirement to prepare a Focused EIR. CEQA review for the Comprehensive Plan for the North Beyer Comprehensive Planning District shall consider the following issues identified in the Master Environmental Impact Report for the General Plan:~~

a. A total of 1,200 dwelling units was assumed for this Comprehensive Planning District.

7. Special Considerations Unique to this Comprehensive Planning District:

None.

Proposed Addendum to the Final Master EIR for the Urban Area General Plan (SCH# 92052017)

a. Redevelopment Area

Upon adoption of the General Plan, the "Redevelopment Area" would be developed according to the adopted Redevelopment Plan (and the existing zoning). 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 this Master EIR. All feasible mitigation measures appropriate to the project (as identified in the Master EIR, and in the EIR on the Redevelopment Plan) will be incorporated into the project, and public notice will be provided (pursuant to Section 21092) that the City intends to use the Master EIR for the project. When the project is approved, the City will file a Notice of Determination.

b. Baseline Developed Area

The "Baseline Developed Area" would generally be developed according to the existing (1995) zoning designations. If a subsequent project within the "Baseline Developed Area" conforms to the existing zoning, the Initial Study for the project will find it to be within the scope of this Master EIR. No further environmental review (e.g. Negative Declaration) will be required.

All feasible mitigation measures appropriate to the project (as identified in this Master EIR) will be incorporated into the project. Public notice will be provided (pursuant to Section 21092) that the City intends to use the Master EIR for the project. When the project is approved, the City will file a Notice of Determination.

c. Planned Urbanizing Area

The "Planned Urbanizing Area" is comprised of smaller areas, termed "Comprehensive Planning Districts," which are described in detail in Chapter III of the General Plan. Following adoption of the General Plan, the policies set forth in a given Comprehensive Planning District would be implemented through the subsequent adoption of a Comprehensive Plan.

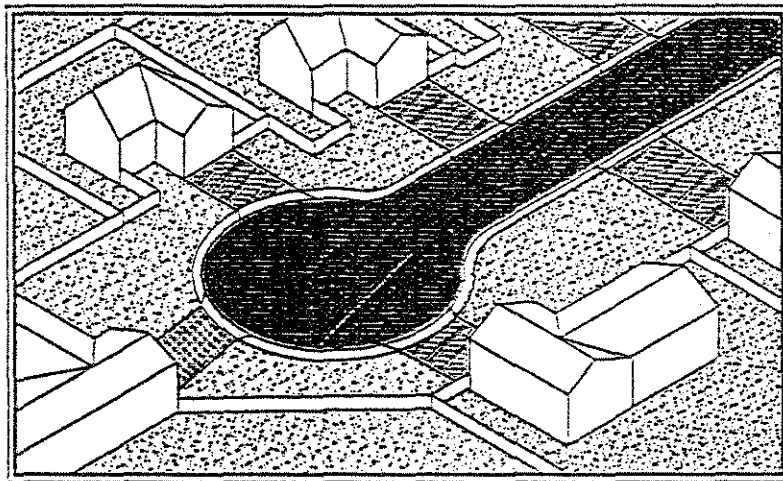
A Focused EIR, as defined in Section 21158 of the Public Resources Code, shall be required for any Comprehensive Plan (The North Beyer Specific Plan, because a previous EIR was prepared (SCH #91102032), is exempt from this requirement). As long as development allowed by the proposed Comprehensive Plan does not exceed the intensities allowed by the adopted Modesto General Plan (reflected in the total number of dwelling units and acres of employment land uses specified in the Land Use Section), no analysis of cumulative impacts, growth inducing impacts, nor "irreversible significant effects on the environment" shall be required in the Focused EIR. The analysis in Chapter IV of this EIR serves to further define the analyses that would be required for each Focused EIR.

Exhibit "C"

NOVEMBER 4, 1996, SPECIFIC PLAN

CITY OF MODESTO

NORTH BEYER PARK



SPECIFIC PLAN

~~PUBLIC REVIEW DRAFT~~

PREPARED FOR:

CITY OF MODESTO

NOVEMBER 4,
~~OCTOBER~~ 1996

PREPARED BY:



LAND PLANNING • ENGINEERING • SURVEYING

900 H STREET, SUITE G

MODESTO, CA. 95353

TEL: (209) 526-4214

NORTH BEYER PARK SPECIFIC PLAN

~~PUBLIC REVIEW DRAFT~~

Prepared for:

City of Modesto
Community Development Department
801 Eleventh Street
Modesto, CA 95353

Prepared by:

Mid-Valley Engineering, Inc.
900 "H" Street, Suite G
Modesto, CA 95354

November 4

~~October 11, 1996~~

Table of Contents

Chapter 1. Specific Plan Introduction	1-1
A. PURPOSE OF SPECIFIC PLAN	1-1
B. PLAN AREA DESCRIPTION	1-1
1. Surrounding Land Use	1-2
C. PLANNING PROCESS	1-2
D. STATUTORY AUTHORITY	1-2
E. RELATIONSHIP OF THE SPECIFIC PLAN TO THE GENERAL PLAN ...	1-3
F. SPECIFIC PLAN ADOPTION	1-4
G. CEQA REVIEW	1-4
 Chapter 2. Development Policies and Standards	 2-1
A. LAND USE (SEE FIGURE 2)	2-1
1. General Plan Policies	2-1
2. The Specific Plan Overlay Zone	2-1
3. Subsequent Exceptions to Development Regulations	2-1
4. Residential (R) Zone	2-1
5. Professional Office (PO) Zone	2-2
6. Mixed Use (MU) Zone	2-2
7. Middle School (MS) Zone	2-2
8. Storm Drainage (SD) Zone	2-2
9. Land Use Regulations	2-2
10. Improvement Standard Regulations	2-3
 Chapter 3. Public Facilities	 3-1
A. OVERVIEW	3-1
B. INFRASTRUCTURE PLAN	3-1
1. Sanitary Sewer Service (See Figure 3)	3-1
2. Storm Drainage (See Figure 4)	3-1
3. Water (See Figure 3)	3-2
C. TRANSPORTATION AND CIRCULATION	3-2
1. Overview	3-2
2. Specific Plan Street Classifications	3-2
D. TRAFFIC CIRCULATION SYSTEM ANALYSIS	3-3
E. SCHOOLS	3-5
F. PARKS	3-5
 Chapter 4. Implementation and Financing	 4-1
A. PLAN IMPLEMENTATION	4-1
1. Action Required for Implementation of the North Beyer Park Specific Plan	4-1
2. Tentative Map and Final Subdivision Map Approvals	4-1

3. Specific Plan Amendment Process	4-1
B. IMPLEMENTATION POLICIES	4-1
C. CEQA MITIGATION MONITORING	4-3
D. FINANCING	4-3
E. FUNDING METHODS	4-3
1. ^{Pelandale} Claratina Expressway	4-3
2. Principle / Minor Arterials (Coffee and Oakdale Roads)	4-3
3. Collector Street (Mable Avenue) / Minor Residential Streets	4-4
4. Water	4-4
5. Sanitary Sewer (Pump Station, Force Main and Sub-Trunk System)	4-4
6. Storm Drainage	4-4
7. Schools	4-5
8. Parks - None Are Required Within the Plan Area	4-5
F. UTILITIES	4-5
G. INFRASTRUCTURE COST SHARING	4-6

List of Figures

Figure		Follows Page
1	Project Location	1-1
2	Land Use Diagram	2-3
3	Sanitary Sewer and Water Infrastructure	3-5
4	Storm Drain Infrastructure	3-5

Chapter 1. Specific Plan Introduction

A. PURPOSE OF SPECIFIC PLAN

The North Beyer Park Specific Plan is a tool to guide the orderly development of land within the plan area. The purpose of the North Beyer Park 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 North Beyer 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, is addressed.

The Specific Plan was created using the City's guidelines for preparing comprehensive plans and following procedures for Specific Plans contained in Government Code Section 65453(b).

The Specific Plan area is within the North Beyer CPD and subject to the CPD policies and provisions of the City's General Plan (Exhibit III-15) which include:

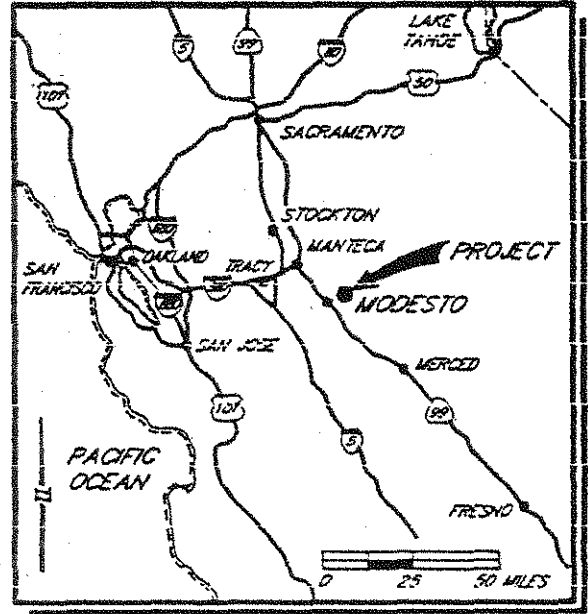
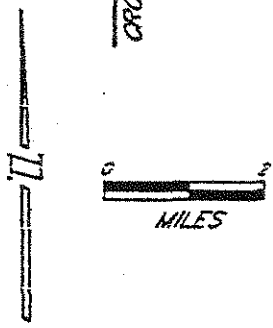
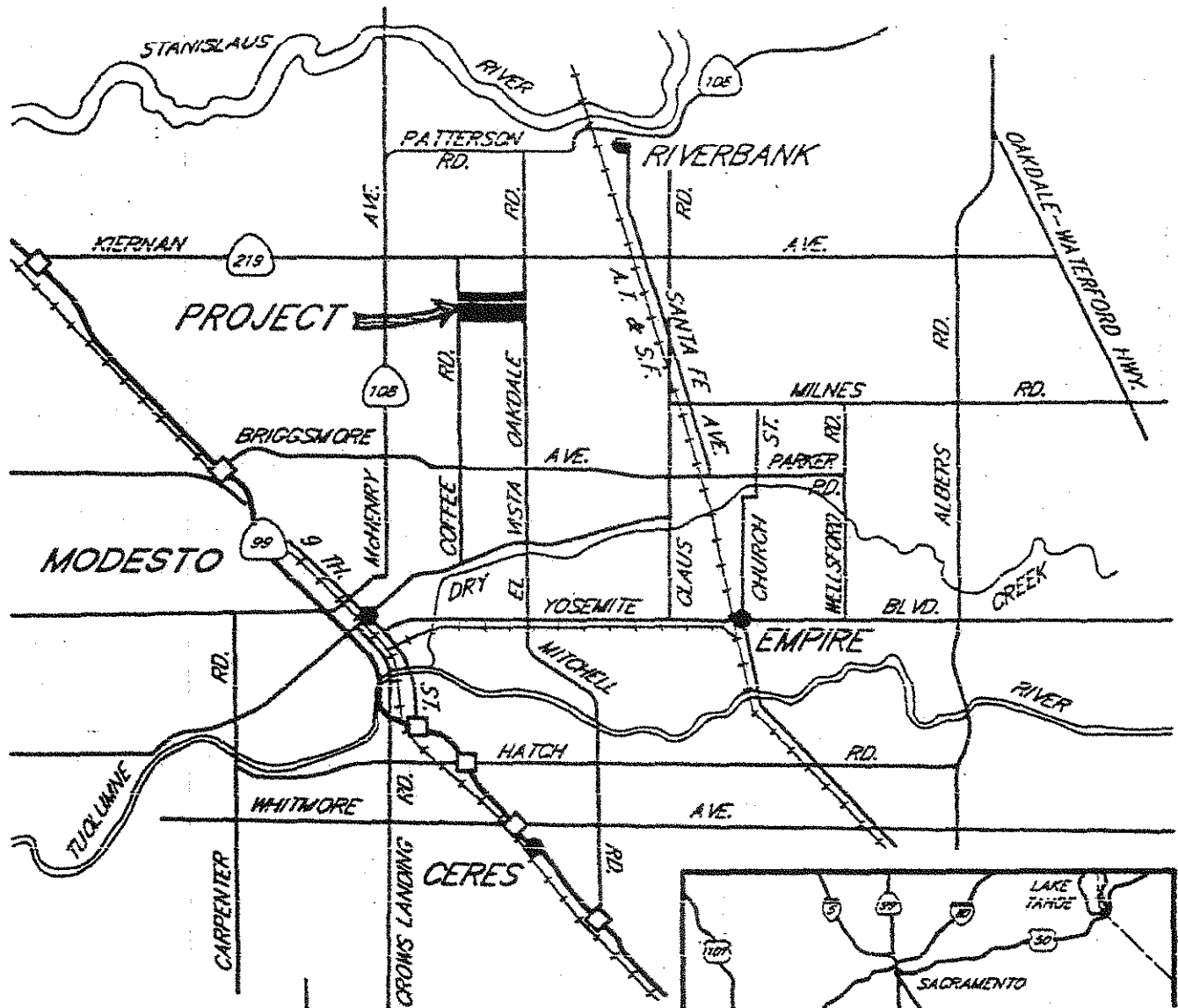
1. Maximum of 1,200 dwelling units.
2. Implementing adopted City General Plan policies.

The North Beyer 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, shopping and professional offices for City residents.

B. PLAN AREA DESCRIPTION

The North Beyer Park CPD is located on the north side of Mable Avenue (See Figure 1). The site is bound by Coffee Road on the west, the extension of Claratina Avenue to the north and Oakdale Road on the east side. The project site contains approximately 160 acres.

The existing land use of the property is primarily agricultural with vineyard's occupying the middle portion of the site and peach orchards occupying about the eastern one-third of the site. There are three houses on the site, a Christmas Tree Farm, the Mable Avenue Baptist Church, and the Assyrian of the East Church. There are also barns and other farm buildings on-site.



**PROJECT LOCATION
FIGURE 1**



LAND PLANNING • ENGINEERING • SURVEYING

900 H STREET, SUITE G MODESTO, CA. 95353 TEL: (209) 526-4214

1. Surrounding Land Use

The surrounding land uses are as follows:

North - (North of the Eastward Extension of Claratina Avenue) - Claratina Golf and Country Grill (Golf Course Driving Range) adjacent to Coffee Road, and agricultural uses (almond orchards, peach orchards, and vineyards).

South - (South of Mable Avenue all within the City of Modesto) - Vacant lot adjacent to Coffee Road, single family residences, Stockard Coffee Elementary School, Undeveloped 5 Acre City Park, City Fire Station #7, and Homewood Village Mobile Home Park.

East - (East Side of Oakdale Road) - Agricultural Uses - Almond orchards and a ranchette development.

West - (Opposite side of Coffee Road - The Claratina / Coffee Plan Area)- Silverwood Mobile Home Park, orchard, Exxon Mini-mart, existing residence and open field.

C. PLANNING PROCESS

Adoption of the Specific Plan and adoption of the North Beyer Mitigated Negative Declaration 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

A discussion of each of these subsequent components of the planning process following Specific Plan adoption is found in the Implementation Element of the Plan (Chapter 4).

D. STATUTORY AUTHORITY

Specific P
A ~~comprehensive~~ 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 California 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 North Beyer 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.

E. 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 North Beyer, 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).

A General Plan Amendment will be required to revise the North Beyer Comprehensive Planning District text and map, Exhibit III-15, to allow the projects proposed non-residential uses. These proposed uses are consistent with the Neighborhood Plan Prototype Policies of the General Plan, Policy III-C-2, and a General Plan amendment will be adopted concurrently with this Specific Plan adoption.

F. SPECIFIC PLAN ADOPTION

Adoption of the North Beyer Specific Plan and adoption of the Mitigated Negative Declaration 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 portions 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.

G. CEQA REVIEW

The North Beyer Specific Plan has received environmental review under the California Environmental Quality Act pursuant to the City's General Plan Master EIR (SCH #92052017) through the preparation of an Initial Study leading to adoption of a Mitigated Negative Declaration (CEQA Section 21157.5). A 30-day public review period was provided for the Mitigated Negative Declaration which included the Specific Plan document. Because earlier analysis was performed on the project area for substantially similar uses, Stanislaus County LAFCo Staged EIR (SCH #91102032), a Mitigated Negative Declaration per CEQA Section 21157.5 rather than a Focused EIR was used.

Project adoption will include a General Plan Amendment exempting the North Beyer Specific Plan from the requirement for preparation of a Focused EIR, Policy III-D-1-g.

Chapter 2. Development Policies and Standards

A. LAND USE (SEE FIGURE 2)

1. General Plan Policies

North Beyer Park 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)), and "Neighborhood Plan Prototype" Policies (Section III-C(2)), 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

and the City's
Neighborhood Shopping
Center Policy.

The purpose of the SP-O Zone is to permit development within the North Beyer 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, "The Zoning Map", shall indicate SP-O zoning for the area of the North Beyer Specific Plan.

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.
 3. To permit variations from the density, height, and other standards in the various zones.

4. Residential (R) ~~Zone~~

The R designation accommodates single family residential uses. The maximum permitted density for an overall land use area is 7.5 dwelling units acre. Areas

* Lot sizes smaller than 5,000 square feet and senior housing facilities, as an example, are permitted as long as the 1200 dwelling unit maximum is not exceeded.

utilize the City's Zone as its development regulations with the following exceptions: designated R are zoned R-1 as the principal underlying zone. Under the R-Designation a P-D Zoning is permitted as an overlay zoning provided the project does not exceed the overall land use density and the use is consistent with the R-1 zoning. The existing churches and the Middle School site are designated R, which is consistent with City policy. in The General Plan

~~5. Professional Office (PO) Zone~~

Professional Office uses are proposed for The PO designation applies to the area at the northeast corner of the Coffee Road and Mable Avenue intersection. A County approved 50,000 square foot office building, known as "The Arbors", has been planned for this site. The PD zoning is permitted as an overlay zone should residential development be pursued. Stanislaus

5.6. Mixed Use (MU) Zone

The mixed use designation applies to a 10-acre site at the southeast corner of the Coffee Road and Claratina Avenue intersection and also a 14-acre site at the southwest corner of the Oakdale Road and proposed ~~Claratina~~ Expressway Felandale intersection, which would allow a possible neighborhood shopping center at both locations. The mixed use designation allows multi-family residential, commercial, office and institutional uses in accordance with the City of Modesto's Land Use Regulations. - insert text of Neighborhood Shopping Center Policy (Exhibit "E") -

6. Middle School (MS) Zone

This designation is intended to allow development of a 18.50 acre Middle School facility for the Sylvan Union School District.

7. Storm Drainage (SD) Zone

This designation is intended to permit development for storm drainage facilities to service the project area including basins and related facilities.

8. Land Use Regulations

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

* * Also permitted in the Mixed Use area are R-3, R-2 and R-1 uses according to the City's zoning code. To develop non-residential areas as residential uses in excess of 1200 total dwelling units requires a General Plan Amendment.

9.10. Improvement Standard Regulations

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

Shopping Center

LAND USE	AREA (AC)	DENSITY	TOTAL DWELLING UNITS
RESIDENTIAL			
RESIDENTIAL (R)	97.1	7.5 DU'S/AC	729
MIXED USE (M.U.)	26.3		
PROFESSIONAL OFFICE (P.O.)	5.5		
MIDDLE SCHOOL	18.5		
EXISTING CHURCHES	6.5		
TOTAL	153.90		729

NOTES

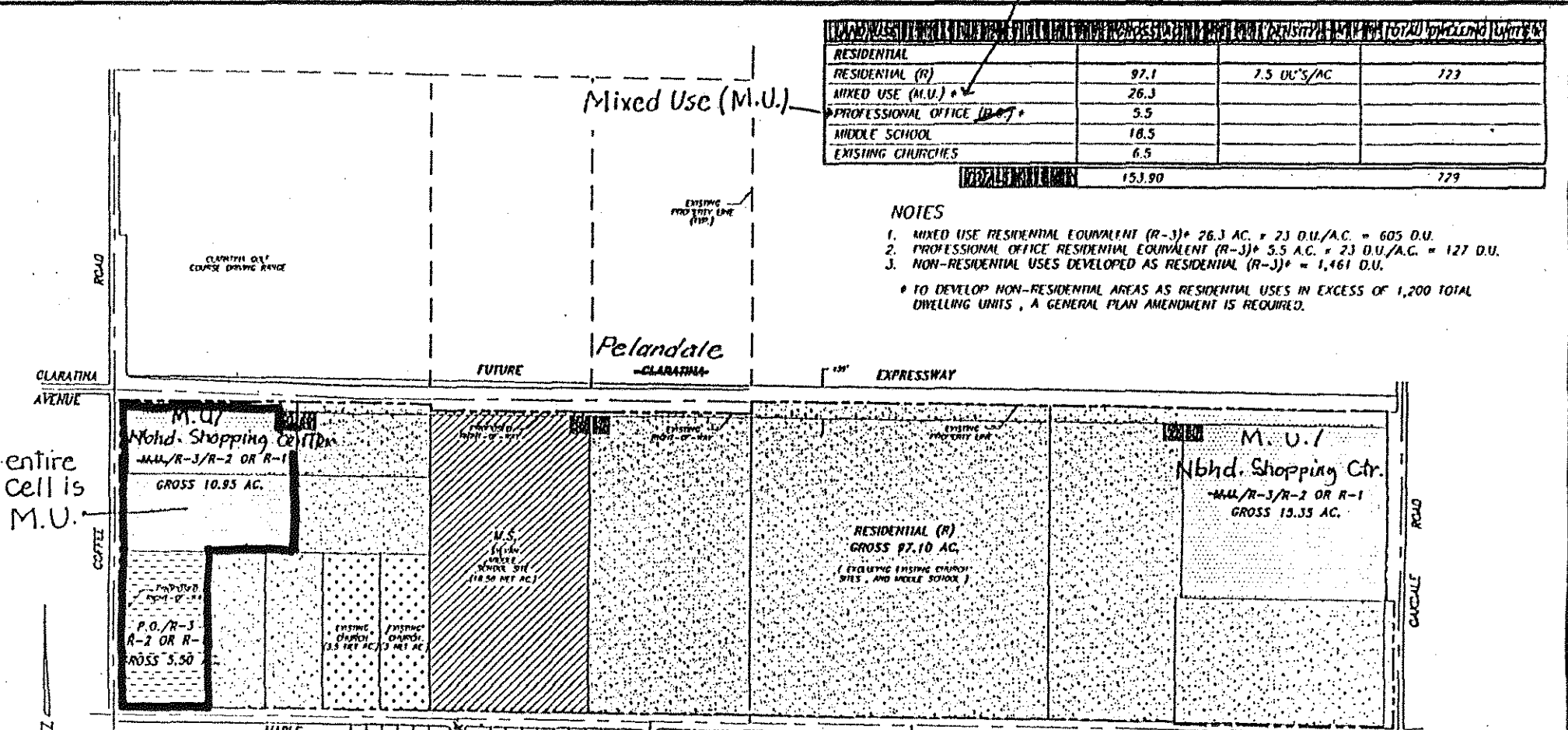
- MIXED USE RESIDENTIAL EQUIVALENT (R-3) * 26.3 AC. * 23 D.U./A.C. = 605 D.U.
 - PROFESSIONAL OFFICE RESIDENTIAL EQUIVALENT (R-3) * 5.5 AC. * 23 D.U./A.C. = 127 D.U.
 - NON-RESIDENTIAL USES DEVELOPED AS RESIDENTIAL (R-3) * = 1,461 D.U.
- * TO DEVELOP NON-RESIDENTIAL AREAS AS RESIDENTIAL USES IN EXCESS OF 1,200 TOTAL DWELLING UNITS, A GENERAL PLAN AMENDMENT IS REQUIRED.

Mixed Use (M.U.)

Pelandale

EXPRESSWAY

entire Cell is M.U.



LEGEND

- PLAN AREA BOUNDARY
- PROPERTY OWNERSHIP LINE
- M.U. - MIXED USE (R-3, R-2 OR R1)
- P.O. - PROFESSIONAL OFFICE (R-3, R-2 OR R-1)
- R - RESIDENTIAL (R-1)
- M.S. - MIDDLE SCHOOL
- EXISTING CHURCH SITES
- SD - STORM DRAINAGE BASINS

Neighborhood Shopping Center

Note: Bike Paths per the City's NonMotorized Transportation Master Plan -
 Class I - Pelandale Expressway
 Class II - Coffee and Oakdale Roads



LAND PLANNING • ENGINEERING • SURVEYING

900 H STREET, SUITE G MODESTO, CA. 95351 TEL: (209) 526-4214

LAND USE DIAGRAM
 FIGURE 2

Chapter 3. Public Facilities

A. OVERVIEW

The North Beyer Park 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), and parks and recreation necessary to support development in the Plan Area. Improvement of North Beyer infrastructure will be as described in the General Plan policies in Chapter V, Community Services and Facilities.

B. INFRASTRUCTURE PLAN

The North Beyer Park Infrastructure Plan is shown on Figures 3 and 4, and incorporated into this Specific Plan. The figures serve as a design schematic for the planning area infrastructure and does not represent specific alignments or locations for facilities. 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 3)

The existing 18" subtrunk sewer main at Coffee Road at Sylvan Meadows Drive will be utilized to serve the North Beyer Park Plan Area. A sewer lift station must 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 must be extended from the pump station north up Coffee Road to the proposed Claratina Expressway, and then extending east down the Expressway to serve the North Beyer Park project. The pump station and "sub-trunk" sewer system in Coffee Road will be sized to serve both the North Beyer Park Plan Area and the Claratina / Coffee 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.

2. Storm Drainage (See Figure 4)

A positive storm drainage system comprised of catch basins, pipelines and storm drain basins is proposed to serve this project. 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 and Stanislaus County Standards and specifications.

3. Water (See Figure 3)

City water service will be provided to the entire plan area through connection to the existing water mains in Mable Avenue. An existing 10" water main and a 24" transmission water main which lie in Mable Avenue are part of a larger looped water system designed to serve the entire Plan Area. All private wells shall be abandoned and capped at the time of development, in accordance with the City of Modesto, Stanislaus County and Department of Health Services Standards.

C. TRANSPORTATION AND CIRCULATION

1. Overview

Pelandale

The North Beyer Park 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 plan provides for the dedication of right-of-way (R.O.W.) that is required within North Beyer Park for the proposed ~~Claratina~~ Expressway. Additional dedication will be necessary for the expressway which will be required by the properties north of the Plan Area as future development occurs. The Specific Plan and Mitigated Negative Declaration preparation included a traffic analysis performed under the direction of the City of Modesto Public Works and Transportation Department.

2. Specific Plan Street Classifications

Table 2 (below) Specific Plan Street Classifications, describes the streets which are a part of the North Beyer Park Plan Area. The street classifications correspond to Public Works Standards. Street cross-sections shall conform to Public Works Standards and policies unless exceptions are identified in the Specific Plan.

Table 2 - Specific Plan Street Classifications

Street / Classification	Street R.O.W.
Class B Expressway (Claratina Expressway)	135 Feet*
Principle Arterial (Oakdale Road)	114 Feet*
Minor Arterial (Coffee Road)	100 Feet*
Collector Street (Mable Avenue)	60 Feet*
Minor Residential Street	50 Feet

Pelandale

* Additional right-of-way may be required at intersections per City of Modesto Standard Specifications.

- a. Class B Expressway - Claratina Avenue is designated as an expressway in the

Concurrent with Project Development (1-5 Years)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Recommended Improvements</u>
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
<i>Oakdale</i> - Claratina Expressway	LOS Degraded on Surrounding Roadways	Dedicate right-of-way along adjacent projects
Fronting roadways of development: Coffee Road Oakdale Road Mable Avenue	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects

5 Years (Phase 1 of Project)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Recommended Improvements</u>
Coffee / Mable Intersection	LOS F	Signals needed plus improvements per study
<i>Oakdale</i> - Fronting roadways of development: Claratina Expressway Coffee Road Oakdale Road Mable Avenue	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects

Year 2025 (Project Buildout)

<u>Facility</u>	<u>Impact (Level of Service)</u>	<u>Recommended Improvements</u>
Coffee / Claratina Intersection	LOS E	Three through lanes needed and upgrade signals
Coffee / Sylvan Intersection	LOS D	None
Oakdale / Sylvan Intersection	LOS C	Dedicate and improve to City Standards
Coffee / Mable Intersection	LOS E	Dual southbound turn lanes if no mid-block median break on Coffee Road
Oakdale / Mable Intersection	LOS B	Signals needed
<i>Pelondale</i> - Claratina Expressway	LOS F at intersections	Six through lanes needed
Fronting roadways of development: Coffee Road Oakdale Road Mable Avenue	LOS is degraded	Dedicate and improve roadway to City Standards along fronting projects

an eastward extension of the Pelandale Expressway
to be, General Plan. Public Works analysis has determined Claratina Avenue to be developed to a 135' Class B Expressway. The Expressway will ultimately connect from Highway 99 to the Claus Road Expressway. The expressway shall include a Class I Bike Trail that will link up with the Claratina and Claus Road trails consistent with the City of Modesto's Non-Motorized Transportation Master Plan. ~~There is no direct Nexus between the expressway improvements and development of North Beyer Park, since the North Beyer Park Plan Area receives no direct benefit from the expressway.~~ 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 extensions of two arterial streets, Coffee Road and Oakdale Road are part of the City's circulation system. Coffee and Oakdale Roads 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 Oakdale Road will be a 114' principle arterial per Public Works Standards.
- c. **Collector Streets** - Existing Mable Avenue is the only 60' collector street crossing the Plan Area. Mable Avenue will connect Coffee and Oakdale Roads.
- 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.

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 improvements would be needed even without this project. A listing of these needs does not indicate the project responsibility which can be found in Chapter 4, Implementation and Financing.

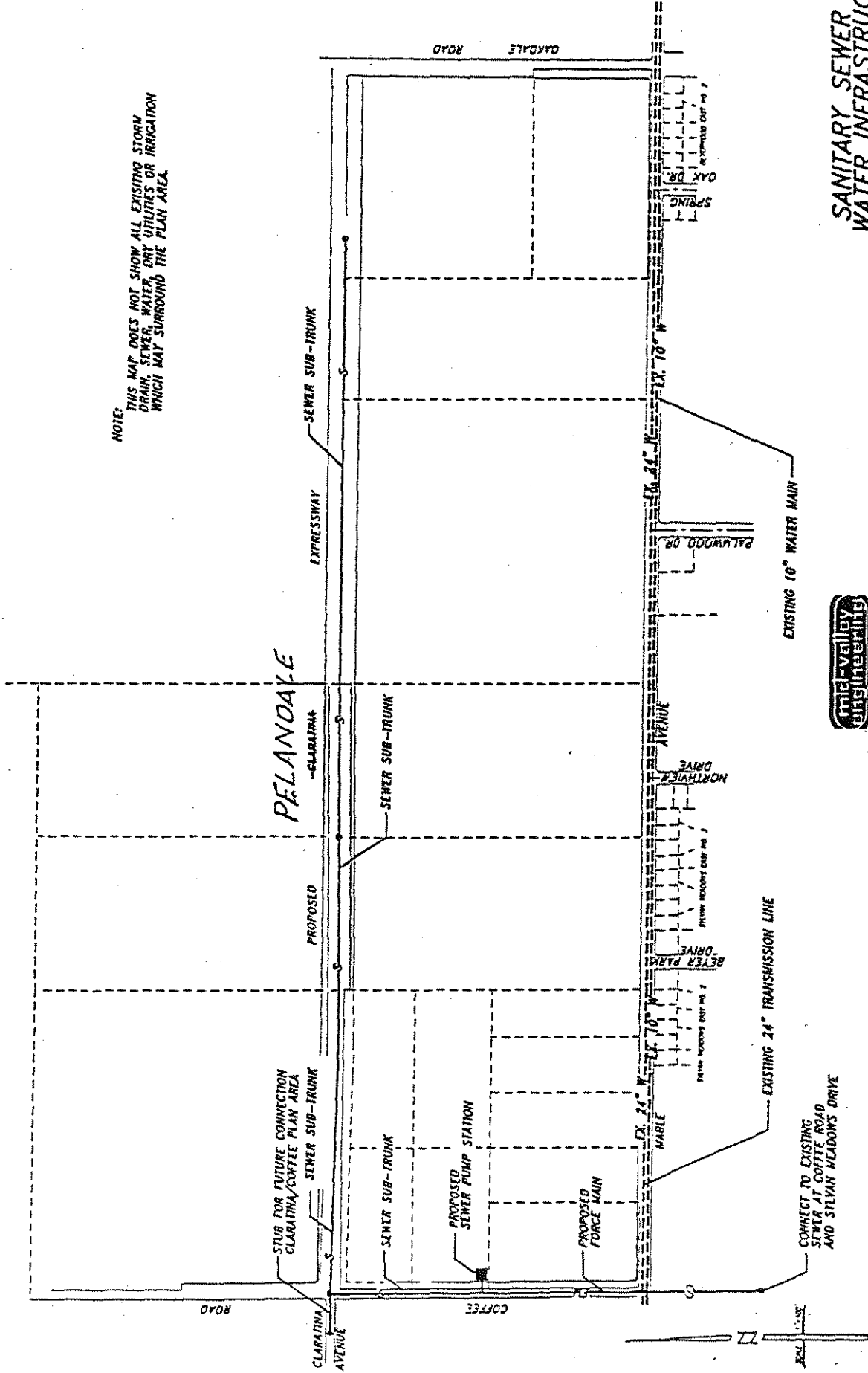
E. SCHOOLS

The North Beyer Park 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. The North Beyer Park Plan Area is proposing a 18.50 net acre middle school site as shown on the Land Use Diagram (Figure 2). The school site will have a west orientation facing the existing church sites. As stated in the City's General Plan (Policy VH.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. School Impact Fees shall be consistent with the existing Community Facilities District (CFD) which has been formed by Modesto City Schools and Sylvan Union School District (SIFA CFD 1994-1). One project (approximately 55 acres of residential) within the North Beyer Park Plan Area has already annexed to the CFD.

F. PARKS

In Modesto, open space is provided through a comprehensive network of regional, community and neighborhood parks. The North Beyer Park Specific Plan is the remaining portion of an existing neighborhood and lies within Park Planning Area No. 9 as shown on Figure V-5 of the General Plan. There are existing and planned parks within the neighborhood. Payment of capital facilities fees will mitigate the projects impact to parks and open space demand in the area. ~~The fees collected should be used for development of the existing City Stockard / Coffee Park which completes the buildout of the City's Park Planning Area No. 9 and would be an enhancement to the North Beyer Park Plan Area and the surrounding community.~~

NOTE:
THIS MAP DOES NOT SHOW ALL EXISTING STORM
DRAIN, SEWER, WATER, DRY UTILITIES OR IRRIGATION
WHICH MAY SURROUND THE PLAN AREA.

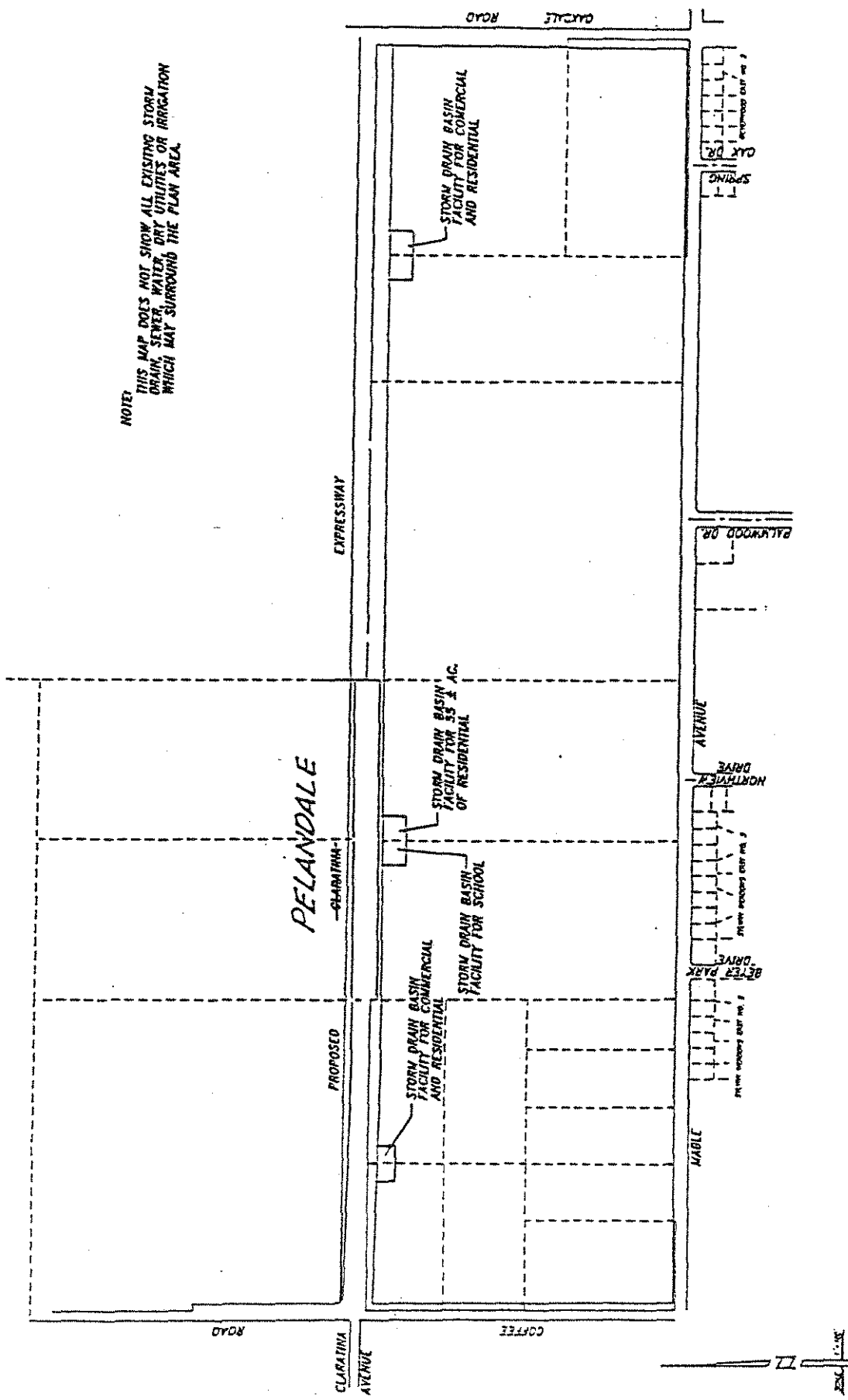


LAND PLANNING • ENGINEERING • SURVEYING
900 N STREET, SUITE C MODESTO, CA 95353 TEL: (209) 526-4214

SANITARY SEWER AND
WATER INFRASTRUCTURE

FIGURE 3

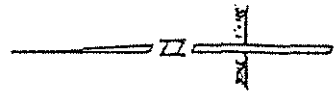
NOTE:
THIS MAP DOES NOT SHOW ALL EXISTING STORM DRAIN, SEWER, WATER, GRY UTILITIES OR IRRIGATION WHICH MAY SURROUND THE PLAN AREA.



STORM DRAIN INFRASTRUCTURE
FIGURE 4



LAND PLANNING • ENGINEERING • SURVEYING
900 N STREET, SUITE G HENDERSON, CA, 94533 TEL: (709) 526-4214



Chapter 4. Implementation and Financing

A. PLAN IMPLEMENTATION

The following defines the implementation measures that will guide development within the Plan Area.

1. Action required for implementation of the North Beyer Park Specific Plan

The following actions are required prior to development of land uses proposed in the Specific Plan:

- a. Approval of tentative and final subdivision maps.
- b. Approval of land use and site design review, where applicable.

2. Tentative and Final Subdivision Map Approvals

Implementation of residential uses in the Plan Area will require processing of a tentative map. The tentative map process is governed by the City's Subdivision Ordinance and the State Subdivision Map Act (Sections 66410 et seq.). Tentative and Final Subdivision Map approval requires conformance to the requirements of the Specific Plan and Mitigated Negative Declaration for the Specific Plan.

3. Specific Plan Amendment Process

Any amendments to Specific Plans shall be in accordance with Section 65453 of the Government Code which provides the amendment procedure for Specific Plans.

B. IMPLEMENTATION POLICIES

The following policies will be used to implement the long range financing strategy:

1. Unless specifically excepted, each property owner shall finance and construct improvements as specified in the Specific Plan, and in accordance with the City of Modesto Standards which occur directly on their property.
2. The referenced improvements will be sized by each property owner, in accordance with the Specific Plan. In the event that the properties develop out of sequence, each property owner is required to provide easements and access that may be necessary to install facilities for the benefit of the other property owners. Each property owner will reimburse

the other(s) for their oversize expenses at the time of filing the first final map within each development, building permit or connection to the system whichever occurs first.

3. The existing city-wide and County fees for new construction will prevail for development within the Plan Area and are intended to pay for the improvements as specified in this Specific Plan.
4. Property owners may receive credits to the payment of city-wide and County fees to the extent that there exists any duplication of improvements provided by the property owner versus improvements intended by the fee structure.
5. Accounting for facility oversizing will be the responsibility of the property owners, in conformance with City Policies and Standards. Repayment will be enforced by the City by being part of the City's requirement for the subdivision map filing. Disputes among property owners will be subject to binding arbitration by a member of the American Arbitration Association (AAA). Outstanding balances for oversizing will be subject to 10% annual interest, payable by the benefiting "downstream" property owner at the time of final map filing, building permit or connection to the system whichever occurs first.
6. The costs of developing the Specific Plan, including but not limited to traffic studies, noise studies and environmental documentation, shall be reimbursed to the property owners who have fronted those costs. Reimbursement shall be through plan application fees required from non-contributing property owners. It shall be an equal share of the costs to prepare the Specific Plan, and shall be paid as a part of each individual property owners Tentative Map Application fee. The existing church sites within the Plan Area shall not be responsible for the costs associated with the development of the Specific Plan. The property owner financing the Specific Plan shall assume responsibility for maintaining accounting records to established City standards. Any disputes which arise shall be resolved through binding arbitration by the American Association of Arbitrators (AAA).
7. The City shall require dedication of land for road improvements and construction of arterial and collector street improvements consistent with city-wide policies and regulations.
8. Reimbursement for oversizing utility lines and roadway improvements shall also be consistent with city-wide policies and regulations.

C. CEQA MITIGATION MONITORING

CEQA Section 21081.6 ^{Park} requires the public agency approving a project to adopt a reporting or monitoring program for mitigation measures made conditions of project approval. The North Beyer Specific Plan complies with this requirement by incorporating the mitigation measures from the North Beyer Mitigated Negative Declaration (project CEQA review document) into the Specific Plan as development policies and/or standards. These measures are thus fully enforceable with project approval.

D. FINANCING

A long range financing strategy for the North Beyer Park Plan Area is provided as part of this Specific Plan, both in accordance with State Government Code Requirements and with the City of Modesto Urban Area General Plan Policy.

A basic concept of the Specific Plan Financing Strategy is that infrastructure improvements are to be constructed in conjunction with individual project development. These infrastructure improvements shall be sized according to identified future needs with compensation from property owners who will receive future benefit. ^{The City of Modesto does require Specific Plans to provide for the installation and maintenance for certain public facilities through participation in a City Mello-Ross Community Facilities District.}

The infrastructure element of the North Beyer Park Plan Area describes a number of community facilities necessary to implement the plan. The following funding sources will be used to cover the costs of those facilities. All interior infrastructure shall be installed by individual property owners as projects develop:

- ^{Pelandale}
1. ~~Claretina~~ Expressway
 - a. Funding Source: City of Modesto's Capital Facilities Fee Program (CFF).
 - b. Net cost to City: None. City wide fees will provide financing for these improvements.
 - c. Developer to dedicate right-of-way and construct sound wall.

2. Principle / Minor Arterials (Coffee and Oakdale Roads)

- a. Funding Source: Existing City wide fees and individual property owner/developer's requirements.
- b. Medians and Landscaping setbacks along soundwalls.
Funding Source: City Mello-Ross Community Facilities District.

- c. Net cost to City: None. Existing City policies govern the dedication of land for road improvements and requires developers of a given road frontage to construct the first 40' of the road improvements measured from the property line. The City would be responsible for any improvements required beyond the 40'.

3. Collector Street (Mable Avenue) / Minor Residential Streets

- a. Funding Source: Individual property owners/developers shall be responsible for street improvements adjacent to their property.
- b. Net Cost to City: None. Development will provide financing for these improvements.

4. Water

- a. Funding Source: Existing City wide user fees and Developer Requirements.
- b. Net Cost to City: None. The existing water distribution lines in Mable Avenue will be utilized to serve the North Beyer Park Plan Area. The Plan Area shall be subject to the typical City of Modesto water related fees (i.e. water systems fee, water meter fee, water connection fee, etc.) which are applicable to each individual property owner/developer at the time of development.

5. Sanitary Sewer (Pump Station, Force Main and Sub-Trunk System)

- a. Funding Source: City Sub-trunk sewer fee which is designated to fund sub-trunk sewers. City sewer bond redemption charge which includes a component for lift stations.
- b. Net Cost to City: None. City wide user fees as described above are sufficient to pay for needed sewer infrastructure facilities.

6. Storm Drainage

- a. Funding Source: Each individual property owner/developer shall be responsible for installation of infrastructure improvements (i.e. main storm drain trunk system, storm drain basin) which are required for development of their property and are in accordance with this Specific Plan.

- b. Net Cost to City: None. Development will provide financing for these improvements.

7. Schools

- a. Funding Source: Separate agreement with school district or annexation into the Village One Schools Infrastructure Financing Agency (SIFA CFD 1994-1).
- b. Net Cost to City: None. The individual property owners/developers shall reach full agreement with Modesto City Schools and the Sylvan School District to insure funding and to mitigate impacts to the school districts.

8. Parks - None Are Required Within the Plan Area

- a. Park fees will be paid within the North Beyer Park Plan Area.
- b. The Stockard / Coffee Park Development should be given a priority position on the City's CIP.
- c. Net Cost to City: None. City wide fees and development will provide financing for park improvements.

F. UTILITIES

Electricity - Electricity to the Plan Area shall be provided by the Modesto Irrigation District (MID).

Street Lighting - Street lighting shall be provided along the streets per Public Works Standards as individual properties develop.

Natural Gas - Natural gas service shall be provided by Pacific Gas and Electric (P.G. & E.).

Telephone - Telephone service shall be provided by Pacific Bell.

Cable Television - Television service shall be provided by Post Newsweek Cable.

Irrigation - Irrigation service is currently provided by the Modesto Irrigation District and, existing irrigation facilities will be abandoned and/or relocated as properties develop.

G. INFRASTRUCTURE COST SHARING

Developers that install oversized facilities consistent with this Specific Plan and benefitting other parts of the Plan Area shall be reimbursed. The cost of infrastructure improvements shall be distributed throughout the Plan Area based on a project's relative benefit. A reimbursement agreement or some other form of reimbursement method shall be secured at the appropriate time in the approval process (prior to the recordation of a final map).

**Proposed Revisions/Additions
to the**

**November 4, 1996
North Beyer Park Draft Specific Plan**

**Modesto Planning Commission
Agenda Item B,
November 4, 1996**

C. CEQA MITIGATION MONITORING

CEQA Section 21081.6 ^{Park} requires the public agency approving a project to adopt a reporting or monitoring program for mitigation measures made conditions of project approval. The North Beyer ~~Specific Plan~~ ^{Specific Plan} complies with this requirement by incorporating the mitigation measures from the North Beyer Mitigated Negative Declaration (project CEQA review document) into the Specific Plan as development policies and/or standards. These measures are thus fully enforceable with project approval.

D. FINANCING

A long range financing strategy for the North Beyer Park Plan Area is provided as part of this Specific Plan, both in accordance with State Government Code Requirements and with the City of Modesto Urban Area General Plan Policy.

A basic concept of the Specific Plan Financing Strategy is that infrastructure improvements are to be constructed in conjunction with individual project development. These infrastructure improvements shall be sized according to identified future needs with compensation from property owners who will receive future benefit. ^{The City of Modesto does require Specific Plans to provide for the installation and maintenance for certain public facilities through participation in a City Mello-Ross Community Facilities District.} ^{as identified below.}

The infrastructure element of the North Beyer Park Plan Area describes a number of community facilities necessary to implement the plan. The following funding sources will be used to cover the costs of those facilities. All interior infrastructure shall be installed by individual property owners as projects develop:

1. ^{Pelandale} ~~Cleretina~~ Expressway
 - a. Funding Source: City of Modesto's Capital Facilities Fee Program (CFF).
 - b. Net cost to City: None. City wide fees will provide financing for these improvements.
 - c. Developer to dedicate right-of-way and construct sound wall.
 - d. The City will reimburse the developer the cost of 12' of Right of way.
 - e. The City is responsible for all improvements of the Pelandale Expressway except the soundwall which is the developer's responsibility.
2. Principle / Minor Arterials
(Coffee and Oakdale Roads)
 - a. Funding Source: Existing City wide fees and individual property owner/developer's requirements.
 - b. Medians and Landscaping setbacks along soundwalls.
Funding Source: City Mello-Ross Community Facilities District.

- an eastward extension of the Pelandale Expressway*
- General Plan. Public Works analysis has determined Claratina Avenue to be [^] developed to a 135' Class B Expressway. The Expressway will ultimately connect from Highway 99 to the Claus Road Expressway. The expressway shall include a Class I Bike Trail that will link up with the Claratina and Claus Road trails consistent with the City of Modesto's Non-Motorized Transportation Master Plan. ~~There is no direct Nexus between the expressway improvements and development of North Beyer Park, since the North Beyer Park Plan Area receives no direct benefit from the expressway.~~ 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. *The City will be responsible for all improvements on the Pelandale Expressway except for the soundwall which will be the developer's responsibility. The City will reimburse the developer the cost of 12' of right of way.*
- b. Arterial Streets - The extensions of two arterial streets, Coffee Road and Oakdale Road are part of the City's circulation system. Coffee and Oakdale Roads 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 Oakdale Road will be a 114' principle arterial per Public Works Standards.
- c. Collector Streets - Existing Mable Avenue is the only 60' collector street crossing the Plan Area. Mable Avenue will connect Coffee and Oakdale Roads.
- 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.

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 improvements would be needed even without this project. A listing of these needs does not indicate the project responsibility which can be found in Chapter 4, Implementation and Financing.

3. Water (See Figure 3)

City water service will be provided to the entire plan area through connection to the existing water mains in Mable Avenue. An existing 10" water main and a 24" transmission water main which lie in Mable Avenue are part of a larger looped water system designed to serve the entire Plan Area. All private wells shall be abandoned and capped at the time of development, in accordance with the City of Modesto, Stanislaus County and Department of Health Services Standards.

C. TRANSPORTATION AND CIRCULATION

1. Overview

The North Beyer Park 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 plan provides for the dedication of right-of-way (R.O.W.) that is required within North Beyer Park for the proposed ~~Claratina~~ ^{Pelandale} Expressway. Additional dedication will be necessary for the expressway which will be required by the properties north of the Plan Area as future development occurs. The Specific Plan and Mitigated Negative Declaration preparation included a traffic analysis performed under the direction of the City of Modesto Public Works and Transportation Department.

2. Specific Plan Street Classifications

Table 2 (below) Specific Plan Street Classifications, describes the streets which are a part of the North Beyer Park Plan Area. The street classifications correspond to Public Works Standards. Street cross-sections shall conform to Public Works Standards and policies unless exceptions are identified in the Specific Plan. ^{the} ~~with the following except.~~ ^{the Pelandale Expressway shall correspond to Schematic Section, Figure 8, Pelandale/Snyder F Specific Plan, p. 2-11.}

Street / Classification	Street R.O.W.
Class B Expressway (Claratina ^{Pelandale} Expressway)	135 Feet*
Principle Arterial (Oakdale Road)	114 Feet*
Minor Arterial (Coffee Road)	100 Feet*
Collector Street (Mable Avenue)	60 Feet*
Minor Residential Street	50 Feet

* Additional right-of-way may be required at intersections per City of Modesto Standard Specifications.

a. Class B Expressway - Claratina Avenue is designated as an expressway in the

Exhibit "E"
Neighborhood Shopping Center Policy
North Beyer Specific Plan

For each of the two neighborhood shopping centers, plot plan approval by the Planning Commission shall be required. Conditions of plot plan approval shall include:

1. The first phase of development shall include construction of a supermarket. Construction of other permitted commercial uses may accompany construction of the supermarkets subject to the condition that the supermarkets shall be the first use to open for business.
2. The time limit for commencement of construction of the first phase of development of Neighborhood Shopping Center shall not be more than three years from the effective date of plot plan approval by the Planning Commission.
3. If construction of the first phase of a Neighborhood Shopping Center does not occur within the specified time limitations, the City may consider applications for development of another neighborhood shopping center at another corner of the same intersection as that of the subject neighborhood shopping center.

Exhibit "E"
As Revised 11/4/96
Neighborhood Shopping Center Policy
North Beyer Specific Plan

For each of the two Mixed-Use/Neighborhood shopping centers, plot plan approval by the Planning Commission shall be required prior to development. Performance standards deemed necessary by the Commission shall be required at that time.

Clark

MODESTO CITY COUNCIL
RESOLUTION NO. 96-642

A RESOLUTION APPROVING THE VESTING TENTATIVE
MAP OF NORTH BEYER PARK SUBDIVISION.

WHEREAS, the vesting tentative map of the North Beyer Park Subdivision was filed in the office of the Secretary of the Planning Commission on August 26, 1996, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, copies of said vesting tentative map have been sent to the Sylvan Elementary School and Modesto High School Districts, and Modesto Irrigation District, the local utility companies, and the City Public Works and Transportation Department, and

WHEREAS, City services, including sewer and water facilities, are available, and

WHEREAS, the area can be served by elementary schools in the Sylvan School District and by Fire Station #7 at 1800 Mable Avenue, less than one mile distant, and

WHEREAS, a public hearing was held by the Planning Commission on November 18, 1996, 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 Modesto City Planning Commission adopted Resolution No. 96-58, recommending to the City Council approval of the Vesting Tentative Map for North Beyer Park Subdivision,

and

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 26, 1996, at 7:00 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 for the purpose of receiving public comment on the proposed approval of the Vesting Tentative Map for North Beyer Park Subdivision,

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

1. That the proposed vesting subdivision, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.
2. That the discharge of waste from the proposed vesting subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. That the project is in conformance with the MEIR of the General Plan and therefore should be adopted by the City Council.

BE IT FURTHER RESOLVED by the City Council that the vesting tentative map of North Beyer Park Subdivision accepted for filing in the office of the Secretary of the Planning Commission on August 26, 1996, is hereby approved as shown in red on the face of the map and subject to the following conditions:

1. That full dedication be provided for the 67.5-foot-wide frontage along the full length of future Claratina Expressway that borders this proposed subdivision.
2. That all street dedication be provided and subdivision improvements shall be constructed in accordance with City of Modesto Standard Specifications and as required by the Public Works and Transportation Director pursuant to improvement plans.
3. That public utility easements, as required by the utility companies serving the subdivision, shall be dedicated by the final map.
4. That a seven-foot-high decorative masonry wall shall be provided along the southern edge of the Claratina Expressway.
5. That irrigation lines within the subdivision shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Public Works and Transportation Director. Appropriate easements for irrigation lines to remain shall be dedicated as necessary.
6. The street light between lots 36 and 37 shall be relocated to satisfaction of Public Works and Transportation Department.
7. That 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 and its advisory agency, appeal board, or a legislative body concerning a subdivision. The City of Modesto shall promptly notify the subdivider 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.
8. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this subdivision map shall be

based on the rates in effect at time of issuance of the building permit.

9. That prior to recordation of a final subdivision map, the subdivider shall contact the United States Postal Service for review and establishment of a mail delivery plan.
10. That prior to recordation of a final map, or prior to final inspection of the first house, the subdivision area shall be annexed into a City Mello-Roos District (CFD).
11. Prior to recordation of a final map, the subdivision area shall be annexed to a School's Mello-Roos District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1996, 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: 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 FORM:

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

DLK

MODESTO CITY COUNCIL
RESOLUTION NO. 96-643

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): APPROVING THE VESTING TENTATIVE MAP OF NORTH BEYER PARK SUBDIVISION.

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, on November 6, 1996, the City's Community Development Department by Environmental Assessment 96-139 has reviewed the proposed amendment to the General Plan, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on November 18, 1996, the Modesto Planning Commission, after a duly noticed public hearing, adopted Resolution No. 96-58, recommending to the City Council approval of the vesting tentative map of North Beyer Park Subdivision,

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 6, 1996, 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. 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 26th day of November, 1996, 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:	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 FORM:

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

City of Modesto
Initial Study

EA No. 96-139

I. PURPOSE

The Master Environmental Impact Report (MEIR) for the Modesto Urban Area General Plan allows for limited environmental review of the North Beyer Park Subdivision. The Final MEIR (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, and whether this project was described in the Master Environmental Impact Report as being within the scope of the Master Environmental Impact Report. This Initial Study also provides documentation that this project is within the scope of the project covered by the Master Environmental Impact Report.

This project is consistent with both the MEIR and General Plan as a subsequent project in that the proposed subdivision lies within the North Beyer CPD as shown on the Adopted Land Use Diagram, (figure III-1) of the MEIR. This proposal is further defined within the General Plan in Exhibit III-15 where upon this area has been designated "Residential." The impact of these new residences was analyzed within the scope of the MEIR and further reflected in its current zoning of R-1 (Single Family Residential). The proposed subdivision is consistent with the projected land use intensity, the general Plan designation, and the MEIR, and thus is considered a "subsequent" project.

II. PROJECT DESCRIPTION

- A. Project title: North Beyer Park 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:
John Mayer, City of Modesto, (209) 577-5267
- D. Project Location:
North of Mabel Avenue, south of the Claratina Expressway extended, east of Coffee Road and west of Oakdale Road.
- E. Project sponsor: Mid Valley Engineering

F. General Plan Designation: Residential

G. Zoning: R-1

H. Description of Proposed Project:

This proposed Vesting Tentative Subdivision Map is a 263 single family residential lot subdivision, located just north of Mabel Avenue, at Northview Drive and Palmwood Drive. It is part of the build-out of the existing Beyer Neighborhood. It will be accessed by two residential streets from Mabel Avenue. A temporary storm drainage basin will handle all storm water runoff until the more permanent facility is completed off site. This lot sizes are between 5500 and 8000 square feet in size, which is consistent with the size of lots in the Sylvan Meadows East subdivision to the south.

I. Surrounding land uses: This project is surrounded by agriculture on all sides except to the south where Homewood Village Mobile Home Park, the existing City fire station, the existing Stockard-Coffee School, as well as the north east corner of the Sylvan Meadows East No. 3 subdivision are located

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 North Beyer Park Subdivision will provide approximately 1868 linear feet of public street right-of-way along the Claratina expressway and again along Mabel Avenue. The access points with the minor offset modifications are consistent with all Public Works and Transpiration standards. This is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. **Degradation of Air Quality**

This proposed subdivision will provide infill housing within the City of Modesto. It is part of the build-out of an existing neighborhood. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions,

Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. Generation of Noise

This subdivision project is adjacent to and surrounded by urban development. Although the project will add additional traffic and housing to the neighborhood, it will not create additional significant effects beyond those identified in the impact analysis. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. Loss of Productive Agricultural Land

The project is adjacent to Urban and Built-up land to the south, as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The resulting loss of agricultural land for this project has been previously analyzed and considered. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. Increased Demand for Water Supplies

This proposed subdivision project which will provide for additional residential housing, will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

This proposed vesting tentative subdivision map project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

This proposed subdivision 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 vesting tentative subdivision map and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area,

which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.

J. Increased Demand for Storm Drainage

The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures both current and long term will help to reduce the impacts of increased runoff within the planned urbanizing area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

K. Increased Demand for Parks and Open Space

This project will not have an effect upon the parks or open space needs in the area. A new City Park will be located south of this proposed development. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV- 11-11) are, therefore still valid.

L. Increased Demand for Schools

Additional residential development within the Sylvan Union School District and Modesto City Schools attendance areas from this proposed subdivision will have an adverse impact on the educational facilities. 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 subdivision proposal has a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

- N. Increased Demand for Fire Services**
This subdivision proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 7 is less than one mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.
- O. Generation of Solid Waste**
This proposed subdivision and subsequent development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are, therefore still valid.
- P. Generation of Hazardous Materials**
This proposal will result in no additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.
- Q. Landslides and Seismic Activity**
This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.
- R. Energy**
This proposal will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV DETERMINATIONS AND FINDINGS

"Based on substantial evidence provided in the Initial Study, the City of Modesto determines:

- (a) The subsequent project will not cause any significant effect on the environment that was not examined in the Master Environmental Impact Report and the subsequent project was described in the Master Environmental Impact Report as being within the scope of the Master Environmental Impact Report.

- (b) The 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 no new or additional mitigation measure or alternatives may be required.

Based on substantial evidence in the Initial Study, the City of Modesto finds:

- (a) The subsequent project is within the scope of the project covered by the Master Environmental Impact Report.
- (b) All feasible mitigation measures set forth in the Master Environmental Impact Report which are appropriate to the subsequent project shall be incorporated into the subsequent project."

Signature: John Mayer Date: 11-6-96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-644

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF CO-COMPOST EQUIPMENT

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of co-compost equipment is hereby waived.

BE IT FURTHER RESOLVED that purchase of co-compost equipment for a not to exceed price of \$1,175,911.41.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1996, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa
NOES:	Councilmembers:	Dobbs, Mayor Lang
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-645

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE TRUCK WITH TANK, ONE STORAGE TANK, ONE WATER REEL, AND ONE OFFICE TRAILER

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one truck with tank, one storage tank, one water reel, and one office trailer is hereby waived.

BE IT FURTHER RESOLVED that purchase of one truck with tank, one storage tank, one water reel, and one office trailer for a not to exceed price of \$144,696.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1996, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa
NOES:	Councilmembers:	Dobbs, Mayor Lang
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-646

A RESOLUTION AMENDING THE 1996-97 ANNUAL BUDGET TO PROVIDE FUNDING
FROM THE WASTEWATER FUND CONTINGENCY RESERVE TO PURCHASE
CO-COMPOST EQUIPMENT

WHEREAS, the Council has endorsed the concept of the co-composting program and the equipment to operate the facility must be ordered by early November for startup operations in January 1997; and

WHEREAS, the procurement process evaluated several acquisition options and the City will realize substantial asset savings on direct and contractual costs through ownership of the equipment; and

WHEREAS, \$1,018,934 will be appropriated from the Wastewater Fund Contingency Reserve, and the amount of \$156,978 will be transferred from Account #621-480-5222-0216 to purchase the co-composting equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended as follows:

<i>Wastewater Fund</i>	<i>Increase (Decrease)</i>
#621-800-8000-8003 Contingency Reserve	\$(1,018,934)
#621-480-5222-216 Equipment Rental - Outside	\$(156,978)
#621-480-H411-6070 Co-Composting Equipment Acquisition	\$ 1,175,912

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 day of November 26, 1996, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following votes:

AYES: Councilmembers: Cogdill, Fisher, Friedman, McClanahan, and Serpa

NOES: Councilmembers: Dobbs and Mayor Lang

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

JLk
D

MODESTO CITY COUNCIL
RESOLUTION NO. 96-647

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

WHEREAS, the City of Modesto (the "City") is a chartered city and municipal corporation organized and existing under the Constitution and laws of the State of California, and

WHEREAS, the City has paid, beginning no earlier than September 25, 1996, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction and equipping of certain capital improvements in connection with its wastewater system (the "Project"), as more fully described in Exhibit A attached hereto, and

WHEREAS, the City Council of the City (the "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 City for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds"),

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

SECTION 1. The Council hereby declares the City's intent to reimburse the City with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after September 25, 1996, which date is no more than 60 days prior to the date hereof. the City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

SECTION 2. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

SECTION 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$35 Million.

SECTION 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes

that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

SECTION 5. This resolution shall take effect upon its adoption by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1996, by Councilmember Cogdill, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Fisher, Friedman, McClanahan, Serpa
NOES:	Councilmembers:	Dobbs, Mayor Lang
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

DESCRIPTION OF PROJECT

The project consists of the acquisition, construction and equipping of certain capital improvements to the City's wastewater system and related costs and facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-648

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE NEW TRAILER-MOUNTED STUMP CUTTING MACHINE FOR THE PUBLIC WORKS AND TRANSPORTATION FLEET SERVICES 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 One New Trailer-Mounted Stump Cutting Machine for the Public Works and Transportation Fleet Services Division, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 8, 1996 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 26th day of November, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-649

A RESOLUTION AUTHORIZING CALL FOR BIDS FOR FURNISHING SEVEN TRAFFIC ENFORCEMENT MOTORCYCLES FOR THE PUBLIC WORKS AND TRANSPORTATION DEPARTMENT FLEET SERVICES 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 Seven Traffic Enforcement Motorcycles for the Public Works and Transportation Department Fleet Services Division, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 8, 1996 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 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 26th day of November, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-650**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS
WITHIN LOCAL IMPROVEMENT DISTRICT NO. 24**

The City Council of the City of Modesto, California, does resolve as follows:

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Local Improvement District No. 24 (herein after "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.

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 construction of sanitary sewer improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council so orders the levy and collection of assessments within the District for the 1996/97 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1996/97 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the day of November 26, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa and Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Belinda Duersken
Belinda Duersken, Senior Accountant

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-651**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS
WITHIN LOCAL IMPROVEMENT DISTRICT NO. 25**

The City Council of the City of Modesto, California, does resolve as follows:

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Local Improvement District No. 25 (herein after "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.

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 construction of sanitary sewer improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council so orders the levy and collection of assessments within the District for the 1996/97 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1996/97 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the day of November 26, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Belinda Duersken
Belinda Duersken, Senior Accountant

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-652**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS
WITHIN LOCAL IMPROVEMENT DISTRICT NO. 27**

The City Council of the City of Modesto, California, does resolve as follows:

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Local Improvement District No. 27 (herein after "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.

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 construction of storm drainage improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council so orders the levy and collection of assessments within the District for the 1996/97 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1996/97 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the day of November 26, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ADAMS, City Clerk

APPROVED AS TO SUFFICIENCY:

By: 
Belinda Duersken, Senior Accountant

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-653**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS
WITHIN LOCAL IMPROVEMENT DISTRICT NO. 28**

The City Council of the City of Modesto, California, does resolve as follows:

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Local Improvement District No. 28 (herein after "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.

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 construction of sanitary sewer improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council so orders the levy and collection of assessments within the District for the 1996/97 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1996/97 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the day of November 26, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Belinda Duersken
Belinda Duersken, Senior Accountant

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-654**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS
WITHIN LOCAL IMPROVEMENT DISTRICT NO. 29**

The City Council of the City of Modesto, California, does resolve as follows:

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Local Improvement District No. 29 (herein after "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.

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 construction of streets and water system improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council so orders the levy and collection of assessments within the District for the 1996/97 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1996/97 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the day of November 26, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ADAMS, City Clerk

APPROVED AS TO SUFFICIENCY:

By: 
Belinda Duersken, Senior Accountant

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-655**

**A RESOLUTION ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS
WITHIN LOCAL IMPROVEMENT DISTRICT NO. 6**

The City Council of the City of Modesto, California, does resolve as follows:

WHEREAS, the City Council of the City of Modesto, California ("Council"), has by previous resolutions, initiated proceedings, declared its intention to form the Local Improvement District No. 6 (herein after "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.

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 construction of street, water system and drainage improvements.

NOW, THEREFORE, BE IT RESOLVED that the City Council so orders the levy and collection of assessments within the District for the 1996/97 fiscal year, and that a certified copy of this resolution and attached documentation shall be delivered to the Auditor-Controller of the County of Stanislaus for placement of such assessments on the 1996/97 County Tax Roll.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the day of November 26, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

APPROVED AS TO SUFFICIENCY:

By: Belinda Duersken
Belinda Duersken, Senior Accountant

MODESTO CITY COUNCIL
RESOLUTION NO. 96-656

A RESOLUTION ALLOCATING EMERGENCY SHELTER GRANT (ESG) FUNDS IN THE AMOUNT OF \$20,100 TO THE HOUSING AUTHORITY OF STANISLAUS COUNTY AND IN THE AMOUNT OF 46,900 TO STANCO

WHEREAS, the City of Modesto is a recipient of Emergency Shelter Grant Funds in the amount of \$67,000 from the Department of Housing and Urban Development, distributed as part of the McKinney Homeless Assistance Act, and

WHEREAS, Emergency Shelter Grant Funds may be used only for the conversion or rehabilitation of buildings for homeless shelters, for the payment of certain operating and social service expense in relation to homeless shelters, and for homeless prevention activities, and

WHEREAS, the Citizen's Housing and Community Development Committee recommends that \$20,100 be allocated to the Housing Authority of Stanislaus County for essential (social) services or homeless prevention, and that \$46,900 be allocated to STANCO for the transitional housing program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the allocation of \$20,100 to the Housing Authority of Stanislaus County and \$46,900 to STANCO is hereby authorized and.

BE IT FURTHER RESOLVED that the execution of said grant agreements by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-657

A RESOLUTION APPROVING ALLOCATION OF \$492,000 IN FISCAL YEAR 1996 HOME PROGRAM FUNDS TO SUNRISE PARTNERS IN THE AMOUNT OF \$412,000, STANCO IN THE AMOUNT OF \$32,000, AND TO THE HOUSING AUTHORITY OF STANISLAUS COUNTY IN THE AMOUNT OF \$48,000

WHEREAS, proposals for the development of affordable housing projects to be funded with HOME funds were solicited; and

WHEREAS, the Citizens Housing and Community Development Committee considered the applications for HOME funds and recommended the allocations of HOME funds to the City Council; and

WHEREAS, it is recommended that all allocations are subject to certain individual project conditions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the allocation of \$492,000 in Fiscal Year 1996 HOME funds to developers of affordable housing in the following amounts is hereby authorized:

\$412,000 to Sunrise Partners for the Ashwood Village Project

\$32,000 to STANCO for the Transitional Housing Program

\$48,000 to the Housing Authority of Stanislaus County for the Brighton Place Youthbuild Project

BE IT FURTHER RESOLVED that the execution of said grant agreements by the designated City officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-658

A RESOLUTION REVISING THE CITY'S DOWN PAYMENT ASSISTANCE PROGRAM TO INCLUDE OWNER SWEAT-EQUITY AS A PORTION OF THE DOWN-PAYMENT REQUIREMENT.

WHEREAS, in 1994, the City began operating a Down Payment Assistance Program (DPAP) to help low and moderate income families purchase new homes in Modesto, and

WHEREAS, homebuyers are assisted through a deferred-payment loan funded by HOME, Community Development Block Grant, or the Redevelopment Agency set-aside housing funds, and

WHEREAS, currently, DPAP guidelines are such that homebuyers are required to contribute from one to three percent cash toward the down payment, and sweat-equity cannot be counted as a portion of the down payment, and

WHEREAS, it is often difficult for low-income working families, who could afford to make a monthly mortgage payment, to simultaneously pay rent and save for a down payment on a home, thus forcing them to remain in rental units because they lack the required cash down payment, and

WHEREAS, other organizations such as Habitat for Humanity and Self-Help Enterprises have recognized and overcome this problem by allowing homebuyers to contribute sweat-equity to meet the down payment requirement, and

WHEREAS, the Council has resolved that providing owner-occupied housing for low and moderate income families is a high

priority for the City, and

WHEREAS, the City Council and the Redevelopment Agency have allocated DPAP program funds for affordable homes to be developed by non-profit agencies offering sweat-equity programs, and

WHEREAS, allowing sweat-equity to meet down payment requirements will strengthen the City's partnership with local affordable housing providers, and

WHEREAS, home ownership reinforces responsibility and self-reliance and contributes greatly to stability and neighborhood pride, and

WHEREAS, recent changes to HOME program rules allow sweat-equity to be counted toward the 25% City match requirement for every HOME dollar expended,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City's Down Payment Assistance Program is hereby revised to allow owner sweat-equity to be counted as a portion of the down payment requirement for home loans.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1996, 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: 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 FORM:

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

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-659

A RESOLUTION REQUESTING CHANGES TO. U.S.
ENVIRONMENTAL PROTECTION AGENCY ("EPA") AND
CALIFORNIA AIR RESOURCES BOARD ("CARB")
POLICIES ASSOCIATED WITH TRANSPORTED
POLLUTION

WHEREAS, certain local California air districts are heavily impacted by transported pollutants from upwind urban areas not under their control, and

WHEREAS, under current U.S. Environmental Protection Agency ("EPA") and California Air Resources Board ("CARB") policies, transported pollutants from upwind air districts can affect the attainment status of downwind air districts, in that downwind air districts can be classified as nonattainment through no fault of their own or can be "bumped up" in their nonattainment status, and

WHEREAS, a nonattainment designation or an upgraded nonattainment status can have a serious economic impact on business, industry and the public, and

WHEREAS, it is unreasonable to impose the entire burden of emission reduction upon a downwind air district, where emissions from within the district are insufficient to cause a nonattainment status or a "bumped up" nonattainment status in the absence of the contribution from transported pollutants, and

WHEREAS, it is unreasonable to inflict such a heavy economic burden upon business, industry and the public in a downwind affected district where transported pollutants from an

upwind air district contribute significantly to the pollution inventory in the downwind air district, and

WHEREAS, transported pollutants impose a great impact upon environmental quality and public health in the affected downwind air district, and

WHEREAS, transported pollution from upwind areas should be considered when determining attainment status, and

WHEREAS, the Bay Area has been classified as being in attainment, despite the fact that it is a significant contributor to pollutants in downwind air districts, and

WHEREAS, California law specifically exempts the Bay Area, an upwind contributor of pollutants to several downwind affected air districts, from Enhanced Vehicle Maintenance and Inspection Service, and

WHEREAS, the Bay Area's attainment status relieves it from many of the onerous and burdensome requirements that are imposed upon downwind air districts that are in nonattainment, despite the fact that the Bay Area is an upwind contributor of pollutants to such air districts, and

WHEREAS, it is essential that government regulators recognize and respond to the tremendous inequities that exist under a system that allows an upwind air district to be found in attainment by placing a significant burden of emission reduction upon downwind air districts,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby

finds and determines that state and federal law and policy should be changed to require:

1. Upwind contributors to mitigate for the damage caused to downwind air districts;
2. Upwind contributors to have an enhanced vehicle inspection and maintenance program, regardless of whether the air district is classified as being in attainment;
3. The provision of incentives to farmers, business and industries that engage in operations which provide for a positive benefit to air quality and the environment.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of November, 1996, 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: 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 FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-660

A RESOLUTION APPOINTING MEMBERS TO THE GOLF 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. Arnie Blank is hereby appointed to the Golf Course Advisory 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 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 26th day of November, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-661

A RESOLUTION APPOINTING MEMBERS 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. Paul Horn is hereby appointed to the Human Relations Commission, with a term expiration on 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 26th day of November, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-662

A RESOLUTION REAPPOINTING MEMBERS 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. Becky Ward and Michael Pratt are hereby reappointed to the Planning Commission, with a term expiration of January 2, 2001.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly reappointed members 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 26th day of November, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-663

A RESOLUTION DESIGNATING FIVE CEMETERIES ON SCENIC DRIVE (ACACIA MEMORIAL PARK, 801 SCENIC DRIVE; MODESTO PIONEER CEMETERY, 905 SCENIC DRIVE; MODESTO CEMETERY, 1001 SCENIC DRIVE; ST. STANISLAUS CATHOLIC CEMETERY, 1141 SCENIC DRIVE; AND STANISLAUS COUNTY CEMETERY [AKA POTTER'S FIELD], 1001 SCENIC DRIVE) AS MODESTO LANDMARK PRESERVATION SITES.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on October 21, 1996, 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. 96-5, that the five cemeteries on Scenic Drive (Acacia Memorial Park, 801 Scenic Drive; Modesto Pioneer Cemetery, 905 Scenic Drive; Modesto Cemetery, 1001 Scenic Drive; St. Stanislaus Catholic Cemetery, 1141 Scenic Drive; and Stanislaus County Cemetery [aka Potter's Field], 1001 Scenic Drive) are eligible for designation as Landmark Preservation Sites for the following reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation and maintenance 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 the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on December 3, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the five cemeteries on Scenic Drive (Acacia Memorial Park, 801 Scenic Drive; Modesto Pioneer Cemetery, 905 Scenic Drive; Modesto Cemetery, 1001 Scenic Drive; St. Stanislaus Catholic Cemetery, 1141 Scenic Drive; and Stanislaus County Cemetery [aka Potter's Field], 1001 Scenic Drive) are eligible for designation as Landmark Preservation Sites 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 on Scenic Drive is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the five cemeteries on Scenic Drive (Acacia Memorial Park, 801 Scenic Drive; Modesto Pioneer Cemetery, 905 Scenic Drive; Modesto Cemetery, 1001 Scenic Drive; St. Stanislaus Catholic Cemetery, 1141 Scenic Drive; and Stanislaus County Cemetery [aka Potter's Field], 1001 Scenic Drive) have historical and cultural significance as the City's oldest cemeteries and final resting place of many prominent Modestans and are hereby designated as Landmark Preservation Sites.

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 3rd day of December, 1996, 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: 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 FORM:

By


MICHAEL D. MILICH, City Attorney

Attachment A
The Cemeteries - Location

EXHIBIT A

<u>Name and Date Established</u>	<u>Block No., Parcel- No. on Map</u>	<u>Address/Phone/ Proprietor/tress</u>
Acacia Memorial Park, formerly Masonic Cemetery (1872)	595, (including corner of Scenic/Bodem, pending); 598; 602, NW corner only	801 Scenic Dr. 522-0452 Richard Engles, proprietor
Modesto Pioneer Cemetery, formerly Odd Fellows Cemetery (1856)	599	905 Scenic Dr. 522-7736 Glen Richards, proprietor
Modesto Cemetery, formerly Modesto Citizens Cemetery (1855)	600; 602 north of 599, 600, 601 except NE corner	1001 Scenic Dr. 522-8659 Glen Richards, proprietor
St. Stanislaus Catholic Cemetery (1870)	601, Parcel 34-05-13	1141 Scenic Dr. 529-3905 Irene Silva, proprietress
Potters' Field	NE corner 602	Burial records c/o Glen Richards 522-8659

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-664

A RESOLUTION DESIGNATING THE DR. DONALD ROBERTSON HOME AT 211 ELMWOOD COURT AS A MODESTO LANDMARK PRESERVATION SITE. (OWNER: JOHN FICHTENKORT)

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on November 18, 1996, 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. 96-6, that the Dr. Donald Robertson Home at 211 Elmwood Court 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 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 the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on December 3, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the

Dr. Donald Robertson Home at 211 Elmwood Court 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 211 Elmwood Court is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Dr. Donald Robertson Home at 211 Elmwood Court has architectural significance as a French Normandy single-family residence from the late 1920's. It is in fine condition and is located amongst others of similar vintage. The property has historical significance because the original owner, Dr. Donald Robertson, was the son of Dr. J.C. Robertson, founder of Robertson Hospital, who was the original owner of the adjacent residence at 215 Elmwood Court.

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 3rd day of December, 1996, 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: 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 FORM:

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

APPROVED AS TO DESCRIPTION:

By Althea J. Smith
Community Development Department
Strategic Planning

EXHIBIT A
 MILLS ACT CONTRACT
 PROPERTY DESCRIPTION

EXHIBIT A

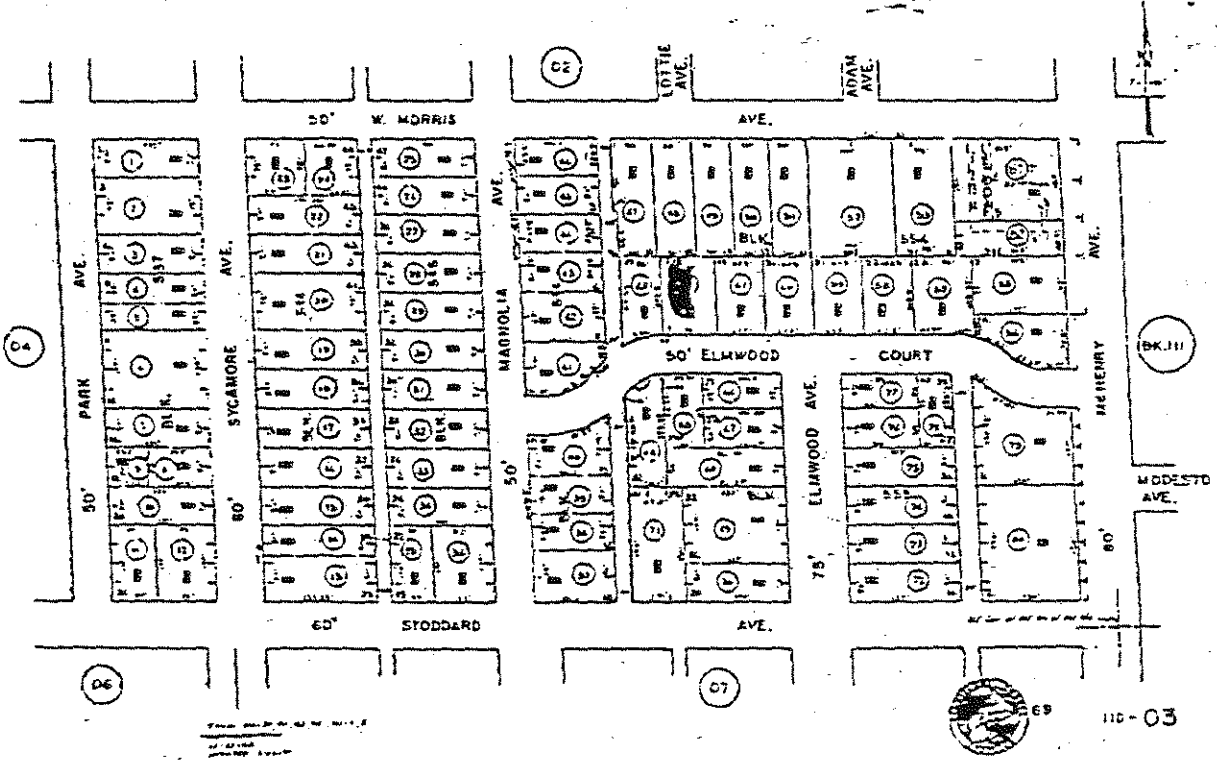
All that certain real property situated in the County of Stanislaus, State of California,
 described as follows:

Lot No. 18, and East 7.5 feet of Lot 17, Block 554, Book No. 15 of Maps, in the office of
 the County Recorder of said county.

FOR NE 1/4 SECTION 29 T.3S. R.9E. M.D.B. 6 M.
 CITY OF MODESTO - BLKS. 537, 544 - 546, 553, 554

002 001 110-03

THIS MAP FOR
 ASSESSMENT PURPOSES ONLY



110-03

Click

MODESTO CITY COUNCIL
RESOLUTION NO. 96-665

A RESOLUTION APPROVING A HISTORIC PROPERTY PRESERVATION AGREEMENT (MILLS ACT CONTRACT NO. 2) FOR THE DR. DONALD ROBERTSON HOME AT 211 ELMWOOD COURT, LANDMARK SITE NO. 35, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY OF MODESTO. (OWNER: JOHN FICHTENKORT)

WHEREAS, John Fichtenkort, owner of the Dr. Donald Robertson Home at 211 Elmwood Court applied for Landmark Site Designation for this site with Planning Commission recommendation for designation on November 18, 1996, and

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes the authority for the Landmark Preservation Committee 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 contracts) 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 the Dr. Donald Robertson Home at 211 Elmwood Court, 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 November 18, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, and

WHEREAS, there being no opposition to the Mills Act Contract No. 2, by Resolution No. 96-7, the Landmark Preservation Commission recommended to the City Council approval of said contract for the Dr. Donald Robertson Home at 211 Elmwood Court, and

WHEREAS, after a public hearing held on December 3, 1996, 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 Dr. Donald Robertson Home at 211 Elmwood Court, 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. 2) for the Dr. Donald Robertson Home at 211 Elmwood Court 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 3rd day of December, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

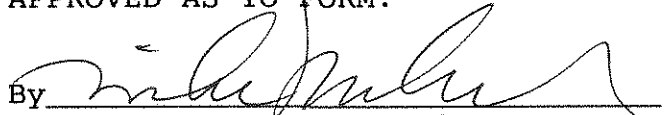
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

Cliff
6

MODESTO CITY COUNCIL
RESOLUTION NO. 96-666

A RESOLUTION APPROVING THE CLOSURE OF A
PUBLIC ALLEY THAT ENCIRCLES THE APARTMENT
COMPLEX AT 620 PARADISE ROAD.

WHEREAS, a verified application for an alley closure at
620 Paradise Road was filed by Security Mutual Asset Company on
September 3, 1996, to close public access to the alley from both
Paradise Road and Chicago Avenue at the apartment complex at 620
Paradise Road, and

WHEREAS, after a public hearing held on October 21,
1996, 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. 96-48, that closure of the
public alley at the property requested is required by public
necessity, convenience, and general welfare for the following
reasons:

1. That the proposed closure is in accordance with
community objectives as set forth in the General
Plan.
2. That the construction of gates and fences at the
620 Paradise Road apartment complex will assist in
the upgrade of security at this location.
3. That the proposed alley closure and fence project
application is within the scope of the General
Plan covered by a Master Environmental Impact
Report (SCH #92052017).

and

WHEREAS, by Resolution No. 96-48, the Planning
Commission recommended to the City Council the closure of the

public alley that encircles the apartment complex located at 620 Paradise Road, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 3, 1996, 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 Security Mutual Asset Company to close public access to the alley from both Paradise Road and Chicago Avenue at the apartment complex at 620 Paradise Road should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 96-48 and quoted above, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposed public alley closure is hereby approved subject to the following conditions:

1. Fences or walls shall be constructed in accordance with fence standards as set forth by the Municipal Code of the City of Modesto.
2. All gates that front on Paradise Road and Chicago Avenue shall be set back no less than 38 feet and 15 feet respectively from edge of right of way.
3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. The main entry gates for vehicle access to the alley shall be equipped with dual opening mechanisms. The Police and Fire Departments will maintain an access pin number to gain instant

entry. The occupants and affected utilities shall be equipped with cards, for nonemergency access.

5. "Knox Box" apparatus shall be installed for fire access to the fire lanes off of Paradise Road.
6. The main gate off of Paradise Road must be at least 38' in back of street as shown to allow ample stacking and ease of access for service vehicles.
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. Building Inspection shall route plans to Fire Marshal for final review.
8. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Community Development Department.
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 subdivision 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.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1996, by Councilmember McClanahan, 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,
McClanahan, 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

Valley Distributors, Inc.
Valley Building Supply Center

209 • 667 - 2700 800 • 238 - 8300 Fax 209 • 667 - 0343



Your Building Supplier
Home Improvement Center

Agenda 7/14/98
Item 9

To All Measure M City Councilmembers:

I am filing this letter because I have grave concerns about the implementation policies for Measure M. Currently, the City has sole discretion whether to place a Measure M vote on the ballot. As you are well aware, development involves a number of factors including market opportunity and financing conditions. Timing is often critical to the process and the person or persons developing any given area are dependent on being able to rely on that timing. I am urging that the persons developing a project be given the opportunity to schedule and receive a Measure M vote as well, as long as it falls within a normal election cycle.

I am also very much concerned that no Measure M vote would be scheduled until substantial progress has been made on building our current inventory of potential areas for housing. It is a fact of every community in California that such growth control policies inevitably work toward driving up the land prices of those very areas. This will only add to the problem of maintaining affordability as the housing industry struggles to get back on its feet. It is my request that this language be stricken from the implementation policy.

Thank you for your consideration.

Shirley
Shirley

P.O. Box 1808 • 1800 SOUTH MULBERRY ROAD • TULOCK, CALIFORNIA 95381-1808

Locality Owned and Operated

KAUFMAN  BROAD

July 14, 1998

City of Modesto
Honorable Mayor & Councilmembers
801 11th Street
Modesto, Calif. 95353

To All Modesto City Councilmembers:

I am faxing this letter because I have grave concerns about the implementation policies for Measure M. Currently, the City has sole discretion whether to place a Measure M vote on the ballot. As you are well aware, development involves a number of factors including market opportunity and financing conditions. Timing is often critical to the process and the person or persons developing any given area are dependent on being able to rely on that timing. I am urging that the persons developing a project be given the opportunity to schedule and receive a Measure M vote as well, as long as it falls within a normal election cycle.

I am also very much concerned that no Measure M votes would be scheduled until substantial progress has been made on building out current inventory of potential areas for housing. It is a fact of every community in California that such growth control policies inevitably work toward driving up the land prices of those very areas. This will only add to the problem of maintaining affordability as the housing industry struggles to get back on its feet. It is my request that this language be stricken from the implementation policy.

Thank you for your consideration

Sincerely,



Bernie Heyne
Land Acquisition Manager

Cc: file

Clark
⑥

MODESTO CITY COUNCIL
RESOLUTION NO. 96-667

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): APPROVING THE CLOSURE OF A PUBLIC ALLEY FROM BOTH PARADISE ROAD AND CHICAGO AVENUE AT THE APARTMENT COMPLEX AT 620 PARADISE ROAD. (SECURITY MUTUAL ASSET 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, Security Mutual Asset Company has requested closure of a public alley from both Paradise Road and Chicago Avenue at the apartment complex located at 620 Paradise Road, property located at 620 Paradise Road, in the City of Modesto ("the project"), and

WHEREAS, on September 27, 1996, the City's Community Development Department by Environmental Assessment 96-123 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 October 21, 1996, 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 September 27, 1996, 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 3rd day of December, 1996, by Councilmember McClanahan, 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

(SEAL)

APPROVED AS TO FORM:

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

City of Modesto
Initial Study

E.A. No. 96-123

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the Conditional Use Permit (CUP) application. 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: **Proposed Alley Closure by Security Mutual Asset Co. to recommend closure of the public alley to provide additional security at 620 Paradise Road.**
- B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:
Mr. Vern Stark 521-0587
- D. Project Location:
620 Paradise Road
- E. Project sponsor: Security Mutual Asset Co.
- F. General Plan Designation: RPD - Redevelopment Planning District
- G. Current Zoning: R-3
- H. Description of Proposed Project: This project is an application to close the alley that surrounds the apartment complex and fence in/out the property to provide an additional level of security.

- I. Surrounding land uses: This project is surrounded by single family residential on the south and southwest. To the west is commercial and residential land uses, and to the north is a public park.
- J. Other public agencies whose approval is required: MID for electrical realignments

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 alley closure in itself will not present impacts that were not analyzed in the MEIR. All of this will be improved to City standard. This is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. **Degradation of Air Quality**

This project will provide no increase in air degrading development or traffic within the City of Modesto. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**

This project is adjacent to and surrounded by urban development. The project will not add additional traffic to the neighborhood, and it will not create additional significant effects beyond those identified in the impact analysis. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**

The project is located on urban and built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. **Increased Demand for Water Supplies**

This project which will provide for additional access to the existing commercial site will require no additional water beyond that identified in the

Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR

for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11 are, therefore, still valid.

- F. Increased Demand for Sanitary Sewer Services**
This project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.
- G. Loss of Sensitive Wildlife and Plant Habitat**
This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.
- H. Disturbance of Archaeological and Historic Sites**
This project and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.
- I. Drainage, Flooding and Water Quality**
The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV- 9-23) are, therefore still valid.
- J. Increased Demand for Storm Drainage**
The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage(pages IV-10-1 through IV- 10-8) are, therefore still valid.

- K. Increased Demand for Parks and Open Space**
This project will not have an effect upon the parks or open space needs in the area. 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 project will not generate any additional demand upon the local school districts. In addition, 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 proposal has no 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 alley closure proposal has no additional impact upon the need for additional fire services to this area. Fire Station Number 2 is less than one mile away. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV- 14-9) are, therefore still valid.
- O. Generation of Solid Waste**
This 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 proposal will result in no additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.
- Q. Landslides and Seismic Activity**

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the

Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

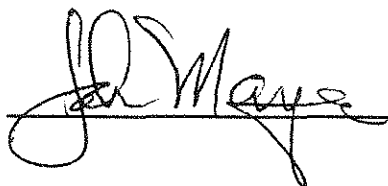
R. **Energy**

This proposal will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed alley closure application is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).
- B. The Project 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 alley closure and fencing 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: _____

9-27-96

Check 13

MODESTO CITY COUNCIL
RESOLUTION NO. 96-668

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(519). (D. RICK
CHENEY)

WHEREAS, a verified application for an amendment to
Section 22-3-9 of the Zoning Map was filed by D. Rick Cheney on
August 23, 1996, to reclassify from Professional Office Zone,
P-O, to Planned Development Zone, P-D, to allow an office
condominium, property located on the east side of Coffee Road
between Brighton Avenue and East Orangeburg Avenue, described as
follows:

P-O to P-D(519)

All that certain real property situate in a portion of
the Southwest quarter of the Northwest quarter of
Section 22, 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 Northwest quarter/quarter corner of
said Section 22, also being the intersection of the
centerlines of Coffee Road which bears South 0° 27' 00"
East and East Orangeburg Avenue which bears North 89°
54' 00" East as shown on that certain parcel map filed
in the office of the Recorder of Stanislaus County,
California, on January 21, 1974, in Volume 18 of Parcel
Maps, at page 49; thence along the centerline of Coffee
Road, South 0° 27' 00" East to a point established by
the intersection of said Coffee Road centerline and the
western prolongation of a property line which is
parallel to and 359.20 feet distant from the centerline
of East Orangeburg Avenue and the True Point of
Beginning of this description; thence leaving the
centerline of Coffee Road and along said western
prolongation, North 89° 54' 00" East 45.00 feet to the
East line of Coffee Road; thence continuing along
aforementioned parallel property line North 89° 54' 00"
East 390.00 feet to a Western line of Parcel "B" as
shown on the aforementioned parcel map; thence South 0°

27' 00" East 200.00 feet along said West line to a Northern line of said parcel "B"; thence along a Northern line of said parcel "B" and the North line of parcel "A" of said parcel map South 89° 56' 05" West 388.81 feet to the Northwest corner of said parcel "A"; thence along the westerly prolongation of said north line of parcel "A" South 89° 56' 05" West 47.19 feet to the centerline of Coffee Road; thence along said centerline North 0° 27' 00" West 200.00 feet to the point of beginning.

and

WHEREAS, after a public hearing held on October 21, 1996, 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. 96-46, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the P-D Zone will allow condominium office development of the property and will contribute to a mixture of uses provided for in the Mixed Use (MU) area designated for this portion of Coffee Road.
2. That the plot plan including conditions of approval will assure a professional office development compatible with the adjacent neighborhood.
3. That development of this property as a professional office condominium development will include provisions to control the number and location of shared driveway approaches together with vehicular accessways in a manner contributing to a positive traffic flow along the Coffee Road frontage of this property.

and

WHEREAS, after a public hearing held on December 3, 1996, in the City Council Chambers, City Hall, 801 11th Street,

Modesto, California, the Council found and determined that the application of D. Rick Cheney 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. 96-46 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3014 -C.S. on the 3rd day of December, 1996, reclassifying the above-described property from Professional Office Zone, P-O, to Planned Development Zone, P-D(519).

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

1. All development shall conform to the plot plan and floor plans titled "Coffee Road Professional Offices, 1316 Coffee Road" as amended in red, stamped approved by the City Council on December 3, 1996.
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 and portions of the south property lines as shown on the approved P-D 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 of five feet to provide a 50-foot, half-width minor arterial 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. Installation of public sidewalk consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.
7. All outdoor lighting shall be shielded from adjacent residential properties as required by the Public Works and Transportation Director.
8. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
9. 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. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.

12. All signs shall comply with the sign requirements of the P-O Zone.

13. Prior to sale of a condominium unit, a subdivision map shall be recorded.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(519):

The entire construction program be accomplished in one phases construction to begin on or before October 21, 1998, and completion to be not later than October 21, 1999.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title X of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(519), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1996, 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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY Jean Adams
Community Development Department
Development Services

11/26/96

MODESTO CITY COUNCIL
RESOLUTION NO. 96-669

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 22-3-9 OF THE ZONING MAP TO REZONE FROM PROFESSIONAL OFFICE ZONE, P-O, TO PLANNED DEVELOPMENT ZONE, P-D(519), PROPERTY LOCATED ON THE EAST SIDE OF COFFEE ROAD BETWEEN BRIGHTON AVENUE AND EAST ORANGEBURG AVENUE. (D. RICK CHENEY)

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, D. Rick Cheney has proposed that the zoning designation for the property located on the east side of Coffee Road between Brighton Avenue and East Orangeburg Avenue be amended to rezone from Professional Office Zone, P-O, to Planned Development Zone, P-D(519), property located on the east side of Coffee Road between Brighton Avenue and East Orangeburg Avenue, in the City of Modesto ("the project"), and

WHEREAS, on January 23, 1996, the City's Community Development Department by Environmental Assessment 96-5 has reviewed the proposed project relating to the project, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives may be required,

and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, on October 21, 1996, 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 January 23, 1996, 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 3rd day of December, 1996, 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

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

**City of Modesto
Initial Study**

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the application to rezone property from R-1, Low Density Residential Zone to P-O, Professional Office 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 the rezoning to P-O 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 rezoning is described in the Master EIR as being within the scope of the General Plan.

II. PROJECT DESCRIPTION

- A. Project title:
Amendment to Section 22-3-9 of the zoning map of the City of Modesto to rezone from R-1, Low Density Residential Zone to P-O, Professional Office Zone.

- B. Lead agency name and address:
City of Modesto
PO Box 642
Modesto, CA 95353

- C. Contact person and phone number:
Norm E. Wilson, AIA
609 15th Street
Modesto, CA. 95354
(209) 577-0114

- D. Project Location:
East side of Coffee Road south of East Orangeburg Avenue, 1310 and 1320 Coffee Road.

- E. Project sponsor:
Norman Wilson, AIA
609 15th Street
Modesto, CA. 95354
(209) 577-0114

A

F. General Plan Designation:
(MU) Mixed Use

G. Zoning:
existing R-1
proposed P-O

H. Description of Proposed Project:
This is an application to Amendment Section 22-3-9 of the zoning map of the City of Modesto to rezone from R-1, Low Density Residential Zone to P-O, Professional Office Zone, two parcels containing 1.80 acres located on the east side of Coffee Road south of East Orangeburg Avenue, 1310 and 1320 Coffee Road.

I. Surrounding land uses:
This project consists of two contiguous parcels which are located on the east side of Coffee road 179-feet south of the commercial uses located at East Orangeburg Avenue. These parcels are immediately surround by a commercial child day care center to the south, a convalescent care facility to the east, and residential uses to the north and west.

J. Other public agencies whose approval is required: N/A

III ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. The following is an analysis of how the rezoning from R-1 to P-O conforms with the analysis contained within the Master EIR.

A. **Traffic and Circulation**

This a rezoning of property located along a minor arterial from R-1 to P-O. The new land use designation will allow office development with plot plan approval. No traffic study will be required as part of this rezoning. However, future office development of the property may require review of a traffic study by the City of Modesto Public Works and Transportation Department. This project 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 rezoning will allow eventual development of offices along a portion Coffee Road located within the City of Modesto. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. Generation of Noise

The rezoning of this property will allow eventual Board of Zoning Adjustment review of a professional office development. Potential rezoning of adjacent properties to P-O will also allow office development. The project will not generate additional traffic nor create additional significant effects beyond those identified in the impact analysis. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. Loss of Productive Agricultural Land

The property to be rezoned is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are, therefore still valid.

E. Increased Demand for Water Supplies

The rezoning of the property to P-O will not require 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 rezoning of the property to P-O will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites

This rezoning is within a developed area and 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 redevelopment of this property for 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 rezoning of this property 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

The rezoning to P-O, Professional Zone will not have an effect upon the parks or open space needs in the area. However, Downey Park is located to the south at Brighton Avenue. 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 is a rezoning of property for eventual office development and will not have an adverse impact on educational facilities and programs. 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 rezoning of property for office uses has a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV- 13-8) are, therefore still valid.

N. Increased Demand for Fire Services

This rezoning of property for office uses has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 5 is less than one quarter 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 proposal and subsequent development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV- 15-10) are, therefore still valid.

P. Generation of Hazardous Materials

This proposal will result in no additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. Landslides and Seismic Activity

This proposal will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. Energy

This proposal will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed rezoning from R-1 to P-O is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017) which analyzed potential impacts of rezonings.
- B. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (Section 1157.1).
- C. All feasible mitigation measures or feasible alternatives set forth in the Meir have been incorporated into this rezoning.
- D. There are no specific features unique to the proposed rezoning from R-1 to P-O 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: *W. J. Stads*

Date: 1-23-96

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-670

A RESOLUTION ACCEPTING THE PROJECT TITLED "MELLIS PARK RENOVATION" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Mellis Park Renovation, has been completed by Barham Inc., in accordance with the contract agreement dated January 16, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Mellis Park Renovation 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 \$194,614.48 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-671

A RESOLUTION ACCEPTING THE PROJECT TITLED "INTERSECTION IMPROVEMENTS - CLAUS ROAD AT BRIGGSMORE AVENUE AND PARKER ROAD" AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Intersection Improvements - Claus Road at Briggsmore Avenue and Parker Road, has been completed by Ross F. Carroll, Inc., in accordance with the contract agreement dated August 22, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Intersection Improvements - Claus Road at Briggsmore Avenue and Parker Road, 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 \$156,843.05 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 December, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-672

A RESOLUTION ACCEPTING THE BID OF CENTRAL VISUAL INFORMATION SYSTEMS FOR
FURNISHING THE DESIGN-BUILD, ENGINEERING AND COMPUTER NETWORK SYSTEM

WHEREAS, Resolution No. 96-69, adopted by the Council of the City of Modesto on February 20, 1996 approved the specifications for furnishing the design-build, engineering and computer network systems; and

WHEREAS, the bids received for furnishing the design-build, engineering and computer network systems, were opened at 11:15 a.m. on May 29, 1996, and later tabulated by the Finance Director for the consideration of the Council; and

WHEREAS, the Finance Director has recommended that the bid of Central Visual Information Systems for a total amount of \$67,050.14 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Central Visual Information Systems 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 3rd day of December, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-673

A RESOLUTION REJECTING BIDS FOR FURNISHING TWO PORTABLE TRAILER MOUNTED GENERATORS, OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 17, 1996, AND AUTHORIZE NEW CALL FOR BIDS

WHEREAS, bids received for furnishing two portable trailer mounted generators, were opened on June 17, 1996; 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 resolicitation for this service be conducted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that bids received for furnishing two portable trailer mounted generators, opened in the office of the City Clerk on June 17, 1996, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that new call for bids for furnishing two portable trailer mounted generators will be held at 11:00 a.m. January 8, 1997, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1996, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-674

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF 140,000 LBS OF GRANULAR ACTIVATED CARBON (GAC)

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of 140,000 lbs of Granular Activated Carbon (GAC) is hereby waived.

BE IT FURTHER RESOLVED that purchase of 140,000 lbs of Granular Activated Carbon (GAC) through the City of Fresno contract from Northwestern Carbon for a not to exceed price of \$134,196.00 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-675

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF TEN USED LATE MODEL SEDANS FROM GOLDEN GATE AUTO AUCTION AND/OR BAY CITIES AUTO AUCTION

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of ten used late model sedans is hereby waived.

BE IT FURTHER RESOLVED that purchase of ten used late model sedans for a not to exceed price of 154,000.00 from Golden Gate Auto Auction and/or Bay Cities Auto Auction is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1996, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-676

A RESOLUTION APPROVING A POLICY ON COMPETITIVE DELIVERY OF CITY SERVICES

WHEREAS, an ad hoc committee of Councilmembers was appointed to review options for competition, outsourcing, and privatization of City services; and

WHEREAS, the committee reviewed materials describing the approaches of other innovative public organizations, and received input from individual City employees, the recognized bargaining units, from local business, and the Modesto Chamber of Commerce; and

WHEREAS, the committee has developed a policy recommendation setting forth the purpose of considering new models of service delivery and establishing guidelines for considering competitive proposals;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto does hereby adopt the policy entitled, "Competitive Delivery of City Services," marked "Exhibit A", a copy of which is attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by 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

CITY OF MODESTO

CITY COUNCIL POLICY ON
COMPETITIVE DELIVERY OF CITY SERVICES

Purpose:

Competition is the best means of ensuring that all City services are provided at the highest quality for the lowest reasonable cost. Competition encourages innovation and focuses attention on meeting customer expectations.

Those expectations include demands for improved performance from government at all levels. At the same time, the long-range outlook for the City's finances suggests that the budget will continue to be constrained. To meet the challenges, the Council supports a systematic approach to evaluating competitive service delivery options.

The Council does not believe that the private sector can effectively provide all City services, nor that the private sector can always do a better job than City employees. Instead, the Council believes that competition with the private sector, and, where feasible, other governmental agencies, is the best guarantee of value for citizens and taxpayers.

Time and again, government employees and managers of City programs have shown that they can adapt and innovate to meet the challenges of changing demands for City services. Employees should be given the training, opportunity, and incentives to compete effectively.

The purpose of this policy statement is to provide general guidelines for both City employees and potential competitors.

Policy:

All City services should be evaluated periodically for opportunities for improvement and for alternative approaches to service delivery. Program managers and employees affected by the review should be given ample opportunity to participate in the review and, when formal competition is called for, City staff are encouraged to submit proposals to compete with those of private vendors or other governmental agencies. The decision to approve an alternative approach will be based on an open and fair process, with the service delivery objectives and decision criteria made clear at the outset.

Periodic Review

In conjunction with submittal of the annual budget, the City Manager should recommend:

- A schedule of service improvement reviews which will be conducted by internal review teams, or by independent management auditors.
- A schedule for consideration of a formal process to solicit competitive proposals for alternative service delivery.

Selection of Services for Public/Private Competition

In deciding which services or functions should be subject to a formal competitive process, the Council will consider the following:

- Ancillary services are preferable to "core" services.
- Stand-alone services are preferable to services that are highly interrelated with other services or functions of the city.
- The experience of other public agencies throughout the country in successfully contracting out the services.
- The ability to establish measurable performance specifications which emphasize outcomes and results.
- The existence of a competitive "market," including interest by at least two private vendors or other agencies.
- Level and growth in City staff compared to staffing by private vendors or other agencies.
- Complexity of transition issues.
- Relative cost of labor and capital, compared to private vendors.
- Feasibility of multi-year agreements to permit competitors to amortize investments.
- Feasibility of "segmenting" the contract so as to provide for side-by-side competition during the term of the contract.
- Restrictions, if any, established by law or contracts.

Role of City Staff in Preparing Proposals

Program managers preparing proposals are encouraged to involve affected employees and all the support functions of the City organization. In general, there should be a minimum of six-month's notice prior to award of a new service contract. Barriers to effective competition should be identified and solutions proposed in the staff proposal. Proposals suggesting changes in work rules and costs established by memoranda of understanding should be reviewed with the recognized employee association.

The City Manager should establish a regular training curriculum for program managers and key employees on how to prepare effective business plans and develop competitive proposals. For especially significant services, the City Manager should consider retaining consultant assistance to help the City staff team prepare its proposal.

Criteria for Evaluating Proposals

Proposals will be evaluated for their effectiveness in meeting the Council's service delivery objectives, which include:

- Cost control
- Service quality
- Reliability
- Income potential

Cost

Competition is the key to efficient, high-quality services. To compare proposals, it is essential that all costs be identified for the initial year of the contract and for the full term. The cost of City proposals should clearly identify those costs which are "differential" and are related to the specific proposal, and those which are "fixed" and are not likely to be eliminated in the event of a private contract. This is especially important in analyzing overhead costs. For City staff proposals, there must be a mechanism to guarantee the bid costs over the term of the contract. In evaluating private proposals, City costs of administration of the contract and costs to continue to provide non-specified tasks will be included. The economic impact of asset sales will be evaluated as part of the cost comparison process.

Proposals will be evaluated for opportunities to manage, or transfer risk, including market risk, financing risk, risk of operations, and environmental risk. Costs of risk management and insurance must be clearly identified.

Quality

Proposals will be evaluated on measurable performance standards for service levels, results, and outcomes.

Reliability

The background, experience, qualifications, and financial strength of private vendors will be carefully reviewed at an initial stage prior to submittal of proposals.

Proposals will be evaluated for their potential for service disruptions, as well as for transitional work force issues, and ability to quickly replace service delivery in the event of contract termination. A plan for maintenance, repair, or replacement of City assets will be required.

Income Potential

Proposals will be evaluated for their potential to increase revenue for the City.

Review Process

The City Manager should establish a review process which includes scrutiny of proposals by third-party reviewers and customers.

All staff and Councilmembers who may have any potential conflicts of interest will refrain from participating in any aspect of the process.

Contract Management

The City Manager should take steps to ensure proper monitoring of contract performance, including assignment of appropriate trained staff. Contracts should provide for quick response by contractors to identified problems.

Whenever a City staff proposal is selected, the City Manager should annually report on compliance with the proposal terms.

Managing Employee Transitions

During the service review and proposal preparation period, the City Manager should attempt to identify potential vacant positions which could be used to assign employees in the event the City staff proposal is not accepted. Private contractors will be encouraged to offer employment opportunities to employees whose positions would otherwise be eliminated. In the event that layoffs are required, the Council's layoff and benefit policy will apply.

Performance Measurement and Evaluation

Evaluation measures should be built in to the contract and contract monitoring process. Alternative service delivery will be evaluated on its service and cost impacts over the term of the agreement. The success of the competition effort will be evaluated by the extent to which the benefits of competition have been captured for taxpayers and users of City services.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-677

A RESOLUTION APPROVING AN AGREEMENT WITH EUGENE J. AND BETTY J. VALLORTIGARA, INDIVIDUALLY AND AS TRUSTEES OF THE VALLORTIGARA FAMILY TRUST; JAY E. VALLORTIGARA; JINEA, JINENE, KENEA, KENJI, JEANETTE, AND KENNETTE YOSHIMURA; AND JON D. AND FAY M. GAIER, INDIVIDUALLY AND AS TRUSTEES OF THE GAIER FAMILY TRUST, CANCELLING THE SITE AGREEMENT AS IT APPLIES TO LOT 8 FOR ENTERPRISE BUSINESS PARK NO. 1, PHASE 1

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Eugene J. and Betty J. Vallortigara, individually and as trustees of the Vallortigara Family Trust; Jay E. Vallortigara; Jinea, Jinene, Kenea, Kenji, Jeanette, and Kennette Yoshimura; and Jon D. and Fay M. Gaier, individually and as trustees of the Gaier Family Trust, cancelling the site agreement, as it applies to Lot 8 for Enterprise Business Park No. 1, Phase 1 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 December, 1996, by Councilmember Serpa, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-678

A RESOLUTION APPROVING AN AGREEMENT WITH BILL COPPEDGE INC. CANCELLING THE SITE AGREEMENT AS IT APPLIES TO LOT 9 FOR ENTERPRISE BUSINESS PARK NO. 1, PHASE 1

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Bill Coppedge Inc. cancelling the site agreement, as it applies to Lot 9 for Enterprise Business Park No. 1, Phase I 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 December, 1996, by Councilmember Serpa, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-679

A RESOLUTION APPROVING AN AGREEMENT WITH TARTARIC MANUFACTURING CORPORATION CANCELLING THE SITE AGREEMENT AS IT APPLIES TO LOT 10 FOR ENTERPRISE BUSINESS PARK NO. 1, PHASE 1

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Tartaric Manufacturing Corporation cancelling the site agreement, as it applies to Lot 10 for Enterprise Business Park No. 1, Phase 1 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 December, 1996, by Councilmember Serpa, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96- 680

A RESOLUTION AUTHORIZING THE REFUND OF
TRAFFIC MITIGATION FEES COLLECTED RELATING TO
THE SITE AGREEMENT FOR ENTERPRISE BUSINESS
PARK NO. 1 SUBDIVISION.

WHEREAS, a Vesting Tentative Map for Enterprise
Business Park Subdivision (hereinafter referred to as "Vesting
Map") was approved by the Modesto Planning Commission by
Resolution No. 90-93 adopted on November 19, 1990, which Vesting
Map included 91.7 acres of land zoned as industrial, and

WHEREAS, Conditions 1-a, 1-b and 1-c of Planning
Commission Resolution No. 90-93 required traffic mitigation fees
to be paid prior to the development of said Vesting Map, and

WHEREAS, said Vesting Map was approved to be developed
in six (6) phases, and

WHEREAS, Phase 1 of the Vesting Map included 3 parcels
for a total of 4.833 subdivided acres, which was approved by the
City Council as the final map of Enterprise Business Park No. 1
Subdivision (hereinafter referred to as "Subdivision") by
Resolution No. 90-969, adopted on December 18, 1990, said
Subdivision final map being subsequently recorded in the Office
of the Stanislaus County Recorder on December 20, 1990, and

WHEREAS, as a condition of said Subdivision approval, a
Site Agreement, a copy of which is attached hereto and made a
part hereof by this reference, between the City of Modesto and
"Modesto Industrial Park, Inc.", the owner of the Subdivision,

was approved by the City Council of the City of Modesto by Resolution No. 90-969, adopted on December 18, 1990, and recorded in the Office of the Stanislaus County Recorder on December 20, 1990, and

WHEREAS, said Site Agreement created and established the authority for imposing and charging a traffic mitigation fee for those properties within the Subdivision, which traffic mitigation fees were based on a traffic study completed for the 91.7 acre Vesting Map, and

WHEREAS, the City of Modesto collected traffic mitigation fees pursuant to said Site Agreement in the amount of Seven Thousand, Seven hundred and Seventy-five dollars (\$7,775.00) on November 15, 1994 from Viking Freight Systems, Inc. prior to permitting a business expansion into property located within the area of said Vesting Map, said fees being placed in a City Finance Trust Account, and

WHEREAS, subsequent to said Site Agreement recordation, the City Council approved a Master Environmental Impact Report (hereinafter referred to as "Master EIR") which addresses the traffic mitigation measures required for all properties included in the Modesto General Plan, including the property within said Subdivision, and

WHEREAS, said Master EIR requires all new development to comply with the regulations set forth in the City of Modesto Engineering Standard Specifications, with no additional traffic mitigation measures required for standard industrial zones, and

WHEREAS, the Council of the City of Modesto strives to ensure that the development requirements for all land within the City limits be fair and equitable and that the magnitude of fees not favor one parcel over another and not place Modesto in a less competitive position in terms of attracting economic development to the City, and

WHEREAS, in consideration of the above information and concurrent with the adoption of this resolution, the Council adopted separate resolutions approving agreements canceling the Site Agreement for Enterprise Business Park No. 1 and the traffic mitigation fees established thereby,

NOW, THEREFORE, BE IT RESOLVED that, based on the above information, the City Council of the City of Modesto hereby authorizes a refund of the traffic mitigation fees collected pursuant to the Site Agreement in the amount of Seven thousand, Seven hundred and Seventy-five dollars (\$7,775.00) from Viking Freight Systems, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1996, 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: 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 FORM:

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

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-681**

**A RESOLUTION AMENDING THE 1996-97 CAPITAL IMPROVEMENT PROGRAM
BUDGET TO ESTABLISH A NEW CIP PROJECT ENTITLED POLICE FACILITY
EXPANSION PROJECT AND APPROPRIATING \$90,000 FROM POLICE CAPITAL
FACILITY FEE CONTINGENCY RESERVE**

WHEREAS, on October 15, 1996, the City Council accepted a report and conceptually approved the expansion of the City Police Department facility on its existing site; and

WHEREAS, funding is needed to cover staff costs for development of a Request for Proposals for Professional Services, for managing and completing the RFP process, for negotiating contracts and presenting them to Council for approval, and for managing the consultant effort leading to a completed design and construction of the facility. All of these expenses should be charged against a Capital Project account; and

WHEREAS, funds are available from the Police Capital Facility Fee Contingency Reserve.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program Budget is hereby amended to establish a new CIP project entitled Police Facility Expansion Project and appropriating \$90,000 from Police Capital Facility Fee Contingency Reserve.

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 day of December 3, 1996, 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 votes:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: _____


JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: _____


STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-682

A RESOLUTION AUTHORIZING CITY STAFF TO SECURE QUALIFIED PROFESSIONAL ARCHITECTURAL AND CONSTRUCTION MANAGEMENT SERVICES FOR PROPOSALS FOR A POLICE FACILITY EXPANSION PROJECT.

WHEREAS, on October 15, 1996, the City Council accepted a report and conceptually approved the recommendations of a Joint City/County Downtown Government Facility Study, and

WHEREAS, the alternative selected by Council for implementation included the expansion of the City Police Department Facility on its existing site, and

WHEREAS, while the Redevelopment Agency has responsibility for the 10th Street Place project, it is the City's responsibility to proceed with the design and construction of the expanded Police Facility, and

WHEREAS, by a report dated November 21, 1996, from the Public Works and Transportation Director, staff has requested authorization to secure qualified professional architectural and construction management services for the Police Facility Expansion project by developing Request for Proposals for professional services and procuring those services in accordance with normal City procedures,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to secure qualified professional architectural and construction management services for the Police Facility Expansion project by developing

Request for Proposals for professional services and procuring those services in accordance with normal City procedures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1996, 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: 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 FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-683

A RESOLUTION APPROVING AN AGREEMENT WITH GALLO GLASS FOR THE DEFERRAL OF STREET IMPROVEMENTS ON MORTON BOULEVARD

BE IT RESOLVED by the Council of the City of Modesto that the agreement with Gallo Glass for the deferral of street improvements on Morton Boulevard 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 December, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, McClanahan, Serpa,
Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-684

A RESOLUTION APPROVING AN AGREEMENT WITH THE YOSEMITE CHAPTER OF THE CALIFORNIA ASSOCIATION OF NURSERYMEN FOR TREE PLANTING ACTIVITIES

BE IT RESOLVED by the Council of the City of Modesto that the agreement with the Yosemite Chapter of the California Association of Nurserymen be, and it is hereby approved.

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

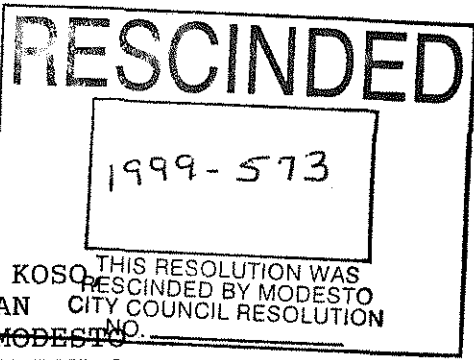
BE IT FURTHER RESOLVED that annual extensions of the agreement may be approved in writing by the staff liaison for each agency.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1996, by Councilmember Serpa, 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:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Check



MODESTO CITY COUNCIL
RESOLUTION NO. 96-685

A RESOLUTION APPROVING THE REQUEST BY KOSO, INC., FOR DIRECT CITY ASSISTANCE FOR AN ANNUAL HOLIDAY PARADE IN THE CITY OF MODESTO IN CONJUNCTION WITH THE ANNUAL CELEBRATION OF LIGHTS.

WHEREAS, KOSO, Inc., which operates B-93 FM radio station in Modesto, by letter dated August 27, 1996, has requested Direct City Assistance to hold a Holiday Parade in the City of Modesto in conjunction with the annual Celebration of Lights, and

WHEREAS, the City Council, by Resolution No. 80-1066 as amended by Resolution No. 83-128, adopted a "Policy for Evaluating Requests for Direct City Assistance," and

WHEREAS, the Council deems it appropriate to grant approval for Direct City Assistance to KOSO, Inc., to hold a Holiday Parade in the City of Modesto in conjunction with the annual Celebration of Lights, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the request of KOSO, Inc., to hold an annual Holiday Parade, subject to the following conditions:

1. The City's personnel will erect City's a reviewing stand with canvas top in front of the Court House on "I" Street, close to the cannon. The reviewing stand shall be in place prior to 2:30 p.m. for use on the date of the parade and will remove said reviewing stand thereafter.

2. KOSO, Inc., is granted permission to use a public address system at the reviewing stand for the parade. Said public address system is to be furnished by KOSO, Inc.

3. The parade route each year is subject to approval of the Police Chief and Public Works and Transportation Director,

4. The City Public Works and Transportation Department will supply street sweepers for the parade.

5. The City of Modesto will provide Equestrian Police Officers, Reserve Officers, and Motor Officers to maintain traffic control along the parade route.

6. The City Public Works and Transportation Department will provide barricades to be placed during parade activities on corners and at other appropriate locations as designated by the Police Department.

7. The level of City support as described in 4., 5., and 6. above shall be determined by appropriate City of Modesto staff.

8. KOSO, Inc. will supply portable toilets in the City Parking lot across from the Centre Plaza.

9. KOSO, Inc., shall indemnify, defend and hold harmless the City of Modesto, its officers, agents and employees, from any and all liability, costs, damages or injuries to persons or damage to property, which may arise out of or in any way be connected with the KOSO, Inc., parade.

10. Annually, KOSO, Inc., shall furnish to the City Clerk of City a current and valid certificate of insurance evidencing coverages of general liability insurance as shall protect KOSO, Inc., and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the KOSO, Inc., Holiday Parade. Said insurance certificate shall be subject to the approval of the Risk Manager and shall designate the City of Modesto as an additional insured.

BE IT FURTHER RESOLVED that the City Clerk shall furnish KOSO, Inc., with a copy of this resolution. KOSO, Inc., shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1996, 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: 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 FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-686

A RESOLUTION APPROVING THE FINAL MAP OF THE
SYMPHONY PLACE NO. 4 SUBDIVISION OF THE CITY
OF MODESTO.

WHEREAS, Sarjak Enterprises, Inc., a California
Corporation, is possessed of a tract of land situate in the City
of Modesto, County of Stanislaus, consisting of 5.79 acres, known
as Symphony Place No. 4 Subdivision, and

WHEREAS, a tentative map of said tract was approved by
the City Council of the City of Modesto on the 7th day of
December, 1993, and

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

WHEREAS, the City Engineer of the City of Modesto has
certified that the final map of said Symphony Place No. 4
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 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 3rd day of December, 1996, 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: 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 FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-687

A RESOLUTION DENYING THE APPEAL OF JOSEPHINE CIPPONERI TO A PLANNING COMMISSION DECISION CONCERNING THE VESTING TENTATIVE SUBDIVISION MAP OF SYMPHONY PARK IN PRECISE PLAN AREA NO. 3 OF THE VILLAGE ONE SPECIFIC PLAN, ON THE SOUTH SIDE OF SYLVAN AVENUE EAST OF OAKDALE ROAD. (REDEV)

WHEREAS, the vesting tentative map of the Symphony Park Subdivision was filed in the office of the Secretary of the Planning Commission on September 17, 1996, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, Redev Inc., filed a proposal to develop a 101-lot, single-family subdivision on 18.14 acres on the south side of Sylvan Avenue, east of Oakdale Road, and

WHEREAS, a public hearing was held by the Planning Commission on November 18, 1996, 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 Planning Commission, by its Resolution No. 96-60, approved the Vesting Tentative Map of Symphony Park Subdivision located in Precise Plan Area No. 3 on the south side of Sylvan Avenue and East of Oakdale Road, subject to certain conditions set forth in said Planning Commission Resolution, and

WHEREAS, an appeal to the proposed subdivision design and its impact on Cipponeri's adjoining property approved by the Planning Commission was filed with the Office of the City Clerk by letter dated November 21, 1996, from Josephine Cipponeri, and

WHEREAS, said appeal was duly noticed and 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 November 26, 1996, at 4:00 p.m., and

WHEREAS, at said public hearing, a representative for the applicant and the subdivider reported to the Council that a solution for a redesign of the subdivision had been agreed to between the applicant and the subdivider (REDEV), thus, after hearing evidence both oral and documentary, the Council found and determined that said appeal which was filed by Josephine Cipponeri to the Planning Commission's decision, should be denied and the decision of the Planning Commission should be affirmed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Josephine Cipponeri to the decision of the Planning Commission is hereby denied, and the decision of the Planning Commission is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of December, 1996, 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: Dobbs, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Cogdill, Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-688

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: APPROVAL OF PRECISE PLAN AREA NO. 3 PERTAINING TO SYMPHONY PARK SUBDIVISION AND REZONING TO SPECIFIC PLAN OVERLAY, SP-0.(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 approval of a precise plan, a vesting tentative subdivision map (Symphony Park Subdivision), a zone change from Specific Plan Holding, SP-H, to a Specific Plan Overlay, SP-O, zone, and

WHEREAS, on November 4, 1996, 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, by Environmental Assessment No. 96-137 findings have been made 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. 96-59 adopted on November 18, 1996, and City staff by report dated November 12, 1996, from the Community Development Department, recommended to the City Council approval of Precise Plan Area No. 3 of the Village One Specific Plan as set forth in said Resolution No. 96-59, and an Amendment to Section Map 11-3-9 of the Zoning Map to establish rezoning from Specific Plan Holding, SP-H, to a Specific Plan Overlay, SP-O, zone, located on the south side of Sylvan Avenue East of Oakdale Road, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on November 26, 1996, 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. 96-137, entitled "Use of Previous EIR and Findings", for the proposed project, and the Council hereby makes the following findings:

1. That the project is within the scope of the Village One Specific Plan 1990 Program EIR as amended by the Village One Final Supplemental EIR adopted May 24, 1994 (State Clearing House No. 90020181), which adequately describe the project for purposes of CEQA (Section 15168, State CEQA Guidelines).
2. The proposed Precise Plan Area No. 3 poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162(a)(1) State CEQA Guidelines).
3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, the project description, and on comments received from responsible agencies that reviewed this proposal (Section 15162(a)(2) State CEQA Guidelines).

A copy of said Environmental Assessment No. 96-137, entitled "Use of Previous EIR and Findings", 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 16th day of December, 1996, by Councilmember McClanahan, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Cogdill, Fisher

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

City of Modesto

E. A. No. 96-137

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT ENVIRONMENTAL ASSESSMENT COMMITTEE

USE OF PREVIOUS EIR AND FINDINGS

I. BACKGROUND

1. **Name of Project:**
Precise Plan Area No. 3
2. **Name, Address and Phone Number of Proponent:**
Redev. Inc., 1920 Standiford Avenue, suite 2, Modesto, CA 95350
(209) 577-8294
3. **Type of Project:**
Precise plan for Precise Plan Area No. 3
4. **Location:**
Precise Plan Area No. 3 is bordered by Sylvan Ave. on the north,
Precise Plan Areas Nos. 15 and 16 on the south, proposed Village One
Road E on the west and PPA 5 and Road F on the east.
5. **Description of Proposed Project:**
The applicant seeks Specific Plan approval of PPA No. 3, Amendment of the
Zoning Map from SP-H to SP-O and adoption of the findings that this project
is within the scope of the previous Village One EIR.

References to the EIR and mitigation measures in this document pertain to the Village One EIR (SCH#90020181) as amended by the Supplemental EIR. The 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted May 24, 1994. The Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR. The 1990 EIR contained 143 Mitigation Measures. These measures have been revised by the Supplemental EIR which is now the project EIR. All 40 Mitigation Measures contained in the Supplemental EIR have been incorporated into the Specific Plan and Facilities Master Plan and/or relevant Precise Plans to implement Section 21081.6 of the Public Resources Code, relating to Mitigation Monitoring. The Public Works and

Transportation Department will incorporate the appropriate mitigation measures from the Supplemental EIR.

II. ENVIRONMENTAL IMPACTS

A. EARTH. Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Unstable earth conditions or in changes in geologic substructures?	___	___	___ ✓
2. Disruptions, displacements, compaction or overcovering of soil?	___	___	___ ✓
3. Change in topography or ground surface?	___	___	___ ✓
4. The destruction, covering or modification of any unique geologic or physical features?	___	___	___ ✓
5. Any increase in wind or water erosion of soils, either on or off the site?	___	___	___ ✓
6. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, or ground failure?	___	___	___ ✓

Discussion: The project area does not overlie any major land formation, fault line, sensitive lands, or unique geological features. Earth related impacts are adequately covered on pages 4.7-1 to 4.7-14 of the 1990 Program EIR, and on pages III-105 to III-108 of the Final Supplement to an EIR for the Village One Specific Plan.

The project site is relatively flat and has not been used as a landfill site. Any potential for unstable soil conditions would be determined by the Chief Building Official through review of soil reports to determine if foundation investigations and appropriate building design are required pursuant to the UBC (Geology & Soils, Page III-106, Final Supplement an Environmental Impact Report for the Village One Specific Plan Amendment No. 4).

Therefore, the previous analysis and corresponding mitigation measures for Geologic and Seismic impacts are adequate.

B. AIR Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
-------------------------------------	------------	--------------	-----------

1. Substantial air emission or deterioration of ambient air quality? ✓

2. The creation of objectionable odors? ✓

AIR Will the proposal result in: Yes Maybe No

3. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally? ✓

Discussion: The project will have a similar density and intensity of land uses, as analyzed in the DEIR. Therefore, Air Quality impacts will essentially be the same as the existing Specific Plan. Air quality issues are covered on pages 4.5-1 to 4.5-14 of the Program EIR, as well on pages III-45 to III-54 in the Final Supplemental EIR.

Air pollutant emissions from traffic generated by project buildout would contribute to violations of State Ozone, Carbon Monoxide and PM 10 standards in the Modesto Urban Area and San Joaquin Valley air basins. Incorporation of mitigation suggested by the local Air District would reduce impacts (see Mitigation Measures No 2 & 3, Pages II-14 & 15, Final Supplement to an Environmental Impact Report.

Construction related pollutants would be temporarily exposed to receptors. These pollutants would be controlled by City and local Air District regulations (Mitigation Measure No. 40, Page II-56, Final Supplement to an Environmental Impact Report. For these reasons, the previous environmental assessment and corresponding mitigation measures are adequate.

C. WATER Will the proposal result in: Yes Maybe No

1. Changes in currents, or the course of direction of fresh water movements? ✓

2. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? ✓

3. Alterations to the course of flow of flood waters? ✓

4. Change in the amount of surface water in any water body? ✓

5. Discharge into surface waters, or in any alteration of surface water quality,

- | | | | | |
|----|--|-----|-----|-------------------------------------|
| | including but not limited to temperature, dissolved oxygen or turbidity? | ___ | ___ | <input checked="" type="checkbox"/> |
| 6. | Alteration of the direction or rate of flow of ground waters? | ___ | ___ | <input checked="" type="checkbox"/> |
| 7. | Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? | ___ | ___ | <input checked="" type="checkbox"/> |
| 8. | substantial reduction in the amount of public water supply? | ___ | ___ | <input checked="" type="checkbox"/> |
| 9. | Exposure of people or property to water related hazards such as flooding? | ___ | ___ | <input checked="" type="checkbox"/> |

Discussion: The project will not introduce any new impacts not already covered in the 1990 Program EIR and the 1994 Supplemental EIR. Hydrology has been adequately addressed on pages 4.8-1 to 4.8-18 of the Program EIR, as well as on pages III-109 to III-119 of the Final Supplemental EIR.

The project will not effect the quantity of groundwaters nor will it impact groundwater recharge capability. The project will have no effect on groundwater flows. Because of the Specific Plan's requirement for the project to connect to a positive stormwater system, the project will have no impact on groundwater quality (Mitigation Measure No 28, Page II-44, Final Supplement to an Environmental Impact Report).

For this reason, the analysis of impacts and its corresponding mitigation measures on water resources are adequate.

- D. PLANT LIFE** Will the proposal result in:
- | | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
|--|------------|--------------|-------------------------------------|
| 1. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)? | ___ | ___ | <input checked="" type="checkbox"/> |
| 2. Reduction of the numbers of any unique, rare or endangered species of plants? | ___ | ___ | <input checked="" type="checkbox"/> |
| 3. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species? | ___ | ___ | <input checked="" type="checkbox"/> |

4. Reduction in acreage of any agricultural crop? ___ ___ ✓

Discussion: There are no unique, rare, or endangered species of plants present on the subject site based on a site inspection and utilization of the State and Federal Listing of Rare and Endangered Plants (Natural Diversity Data Base). Since the geographic area encompassed by the Plan has not been revised, the project will not introduce any new plant related impacts that were not addressed in the Program EIR on pages 4.9-1 to 4.9-16 as well as on pages III-68 to III-79 of the Final Supplemental EIR. For this reason, the previous analysis on the impacts to plant life and its corresponding mitigation measures on plant life are adequate.

E. ANIMAL LIFE Will the proposal result in: Yes Maybe No

- | | | | | |
|----|---|-----|-----|----------|
| 1. | Change in the diversity of species, or numbers of any species of animals (including birds, reptiles, fish and shellfish, benthic organisms or insects)? | ___ | ___ | <u>✓</u> |
| 2. | Reduction of the numbers of any unique, rare or endangered species of animals? | ___ | ___ | <u>✓</u> |
| 3. | Introduction of new species of animals? | ___ | ___ | <u>✓</u> |
| | into the area, or result in a barrier to the migration or movement of animals? | ___ | ___ | <u>✓</u> |
| 4. | Deterioration to existing fish or wildlife habitat? | ___ | ___ | <u>✓</u> |

Discussion: The project site is devoid of any unique, rare, or endangered species of animals based upon a site inspection and utilization of the Federal and State Listing of Endangered Species (Natural Diversity Data Base). Impacts to animals were addressed on pages 4.9-1 to 4.9-16 of the Program EIR and on pages III-68 to III-79 of the Final Supplemental EIR. The proposed project will not introduce any new impacts that were not addressed in the Program EIR. For this reason, the previous analysis on impacts to animal life and its corresponding mitigation measures to biological resources are adequate.

F. NOISE Will the proposal result in significant: Yes Maybe No

- | | | | | |
|----|--|-----|-----|----------|
| 1. | Increases in existing noise levels? | ___ | ___ | <u>✓</u> |
| 2. | Exposure of people to severe noise levels? | ___ | ___ | <u>✓</u> |

- | | | | | |
|----|---|---|---|--------|
| 3. | Will the project require noise abatement measures? | — | — | ✓
— |
| 4. | Will the project generate or be subject to vibration that would tend to disturb a person of normal sensitivity? | — | — | ✓
— |

Discussion:

Noise Impacts were addressed on pages 4.6-1 to 4.6-21 of the Program EIR and on pages III-55 to III-67 of the Final Supplemental EIR. The proposed project will not introduce new noise related impacts that were not addressed in the EIR. Construction would not cause a significant increase in noise generation. There would be no significant increase in transportation-related noise from trains or autos.

There would be no impact from exposure of people to severe noise levels during either operation or construction (Mitigation Measure No. 22, Page II-38, Final Supplement to an Environmental Impact Report.

For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

- | | | | | |
|--------------------|---|------------|--------------|---------------------|
| G. LIGHT AND GLARE | Would on or off-site residents be subject to light or glare that would disturb those residents? | <u>Yes</u> | <u>Maybe</u> | <u>No</u>
✓
— |
| | | — | — | — |

Discussion:

Construction of project would not create any significant light or glare impacts. Although the installation of lighting is planned for streets, City Engineering Division staff routinely review lighting plans to ensure electroliers are not aimed directly at residences. For this reason, the previous analysis and its corresponding mitigation measures on noise are adequate.

- | | | | | |
|-------------|---|------------|--------------|---------------------|
| H. LAND USE | Will the proposal result in a substantial alteration of the present or planned land use of an area? | <u>Yes</u> | <u>Maybe</u> | <u>No</u>
✓
— |
| | | — | — | — |

Discussion: The project is within the range of uses analyzed in the Program EIR for the Precise Plan Area. It is consistent with all the intensity that was programmed for this area within the Program EIR, and the Village One Specific Plan.

Land use impacts were addressed on pages 4.1-1 to 4.1-25 in the Program EIR and on pages III-80-III-94 of the Final Supplemental EIR. The proposed project will not introduce new land use related impacts not addressed in the EIR. Thus, the previous analysis on impacts to land uses is adequate.

population impacts not analyzed in the EIR, because the minimum and maximum number of units at build-out has not increased. Therefore, the previous population growth impact analysis is adequate.

L. HOUSING Will the proposal:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
Affect existing Housing, or create a demand for additional housing that was not considered in the EIR?	—	—	✓

Discussion: Any environmental problems associated with this project related to housing have been addressed on pages 4-2-1 to 4-2-17 of the Program EIR as well as on pages III-95 to III-99 of the Final Supplemental EIR. The project would yield a total residential program within the range analyzed in the Program EIR for the Village One Specific Plan (Project Characteristics, Page 3-4, Draft EIR, 1990, incorporated by reference, Page II-2 Supplemental EIR, 1994). Thus, the previous impacts on housing associated with this project have been adequately analyzed.

M. TRANSPORTATION/CIRCULATION Will the proposal result in significant:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. Generation of substantial additional vehicular movement?	—	—	✓
2. Effects on existing parking facilities, or demand for new parking?	—	—	✓
3. Substantial impact upon existing transportation systems?	—	—	✓
4. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	✓
5. Alterations to rail or air traffic?	—	—	✓
6. Increase in traffic hazards to motor vehicles, bicyclists, and pedestrians?	—	—	✓

Discussion: Any impacts related to transportation and circulation have been addressed on pages 4.4-1 to 4.4-42 in the Program EIR, as well as on pages III-40 to III-44 of the Final Supplemental EIR. This project is totally consistent with the traffic analysis for the Village One Specific Plan EIR. Furthermore, the Final Supplemental EIR found that any additional impacts resulting from the project can be mitigated to a less than Significant level (Environmental Effects, Page II-9, Final Supplemental EIR). Mitigation measures 6 through 20 of the Final Supplemental

EIR pertain to Transportation and circulation impacts. The project specific mitigation measures will be applied as determined by the Public Works and Transportation staff. Therefore, the previous analysis on the impacts by the proposed amendment on transportation and circulation is adequate.

N. PUBLIC SERVICES		<u>Yes</u>	<u>Maybe</u>	<u>No</u>
Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas				
1.	Fire protection?	—	—	✓
2.	Police Protection?	—	—	✓
3.	Schools?	—	—	✓
4.	Parks or other recreational facilities?	—	—	✓
5.	Maintenance of public facilities, including roads?	—	—	✓
6.	Other governmental services?	—	—	✓

Discussion:

Construction of the project will not have a Significant impact on Fire Protection (Mitigation Measure No. 30, Page II-46, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Police protection (Mitigation Measure No. 31, Page II-47, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not have a Significant Impact on Schools (Mitigation Measures No. 36 & 37, Pages II -52 & II-53, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

Construction of the project will not result in any increase in demand for recreational facilities. The proposed uses are of similar intensity to uses contained in the current Specific Plan which provides open space and recreational facilities to meet the projected needs (Parks, Page II-20, Village One Specific Plan).

Construction of the project will not have a significant impact on maintenance of public facilities (Public Facilities Financing Measures, Page IV-3, Village One Specific Plan).

Impacts to other government services, such as County Courts, Welfare etc. would be Less than Significant because a City Capital Facilities, and a County Public Facilities Fee is collected at the building permit to assist those services.

O. UTILITIES AND ENERGY	Will the proposal Result in a need for new systems, or substantial alterations to the following utilities:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Power or Natural gas?	—	—	✓
2.	Communications systems?	—	—	✓
3.	Water?	—	—	✓
4.	Sewer and septic tanks?	—	—	✓
5.	Storm water drainage?	—	—	✓
6.	Solid waste disposal?	—	—	✓
7.	Substantial amounts of fuel or energy?	—	—	✓

Discussion:

The Modesto Irrigation District and the Pacific Gas & Electric Company have indicated they will be able to serve the Village One area which includes the project.

Pacific Bell Telephone Company and Post Newsweek Cable Company have indicated they can serve the Village One area.

The City of Modesto's water distribution lines will be extended to serve the project (Mitigation Measure No. 32, Page II-48, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto's sewer lines will be extended to serve the project site (Mitigation Measure No. 34, Page II-50, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

The City of Modesto will require the installation of Storm water drainage facilities to serve the site (Mitigation Measure No. 27, Page II-43, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan. The project will be served by the City/County Waste-to-Energy facility (Public Services, Pages III-125 & 126, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

P. HUMAN HEALTH	Will the proposal result in:	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1.	Creation of any health hazard or potential			

- | | | | |
|--|---|---|---|
| health hazard (excluding mental health)? | — | — | ✓ |
| 2. Exposure of people to potential health hazards? | — | — | ✓ |

Discussion: The proposed project will not change development patterns in any way which would expose people to any health hazards. The pattern of development is entirely consistent with what was proposed as part of the Specific Plan. The project will resemble residential development that is characteristic with the rest of the city. Thus, the project will not have an impact on human health due to health hazards.

- | | | | |
|--|------------|--------------|-----------|
| Q. AESTHETICS Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view? | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
| | — | — | ✓ |

Discussion:

The proposed project sufficiently resembles the design characteristics that were anticipated in the current specific plan. The site and surrounding topography are essentially flat, so construction of the project will have no impact on scenic views or vistas (Urban Design & Visual Quality, Page III-102, Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan.

- | | | | |
|--|------------|--------------|-----------|
| R. CULTURAL RESOURCES | <u>Yes</u> | <u>Maybe</u> | <u>No</u> |
| 1. Will the proposal result in the alteration of or the destruction of a prehistoric or historic archaeological site? | — | — | ✓ |
| 2. Will the proposal result in adverse physical or aesthetic effect to a prehistoric or historic building, structure, or object? | — | — | ✓ |
| 3. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values? | — | — | ✓ |
| 4. Will the proposal restrict existing religious or sacred uses within the potential impact area? | — | — | ✓ |

Discussion: Research performed by the Central California Archeological Information Center at California State University Stanislaus regarding potential Cultural Resources impacts is referenced in the Response to Comments in the

Program EIR on pages 4-1, response no. 4.3. The research did not produce any finding for any historical, ethnographic and archaeological resources. The proposed project would not introduce any new cultural resource related impacts, therefore, no Cultural Resources impacts would occur.

S. MANDATORY FINDINGS OF SIGNIFICANCE Yes Maybe No

- | | | | | |
|----|--|---|---|---|
| 1. | Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal or eliminate important examples of the major periods of California history or prehistory? | — | — | ✓ |
| 2. | Does the project have the potential to achieve short term, to the disadvantage of long-term, environmental goals? | — | — | ✓ |
| 3. | does the project have impact which are individually limited, but cumulatively considerable? | — | — | ✓ |
| 4. | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | — | — | ✓ |

T. RECOMMENDED CONDITIONS OF APPROVAL

U. MITIGATION MEASURES

The scheduling, and monitoring for performance of Mitigation Measures listed in the EIR that pertain to this proposal shall be accomplished by the Pubic Works and Transportation Department.

On the basis of this initial evaluation, the following findings were made:

1. The project is within the scope of the Village One project EIR (Program EIR as amended by the Village One Supplemental EIR adopted May 24, 1994 - State Clearing House # 90020181) adequately describes the project for purposes of CEQA (Section 15168, State CEQA Guidelines).
2. The proposed Precise Plan poses no new significant changes or environmental impacts that were not discussed in the Program EIR. This is based on recent comments received from responsible agencies reviewing the proposal (Section 15162 (a)(1) State CEQA Guidelines).
3. No substantial changes have occurred that will require important revisions in the previous EIR due to the involvement of new significant environmental impacts not covered in the previous EIR. This is based on the inspection of the site, and the project description. (Section 15162 (a)(2) State CEQA Guidelines).

Signature: _____

Date: _____

John D. Mayer

November 4, 1996

MODESTO CITY COUNCIL
RESOLUTION NO. 96-689

Corrected
12/24/96

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR
PLANNED DEVELOPMENT ZONE, P-D(516). (SAVE
MART SUPERMARKETS AND I.C.I.)

WHEREAS, a verified application for an amendment to
Section 22-3-9 of the Zoning Map was filed by Save Mart
Supermarkets and I.C.I. on July 8, 1996, to reclassify from Low
Density Residential Zone, R-1, to Planned Development Zone, P-D,
to allow a commercial shopping center, property located on a
portion of the County Center No. 3 site at the northwest corner
of Scenic Drive and Oakdale Road, described as follows:

R-1 to P-D(516)

ALL that certain real property being a portion of the
Southeast quarter of Section 22, Township 3 South,
Range 9 East, Mount Diablo Meridian, City of Modesto,
County of Stanislaus, State of California, being more
particularly described as follows:

BEGINNING at the centerline-centerline intersection of
Oakdale Road and Scenic Drive, with said point lying on
the East line of said Section 22 and being marked by a
2 inch iron pipe with brass cap as shown on Stanislaus
County Survey No. 1638; thence South $80^{\circ}11'39''$ West
along the centerline of said Scenic Drive, a distance
of 718.09 feet; thence leaving said centerline and
proceeding North $00^{\circ}42'00''$ West, a distance of 1034.09
feet; thence North $89^{\circ}57'00''$ East, a distance of 707.40
feet to a point on the above mentioned centerline of
Oakdale Road with said point also lying on the east
line of said Section 22; thence South $00^{\circ}48'21''$ East
along last said lines, a distance of 912.42 feet to the
POINT OF BEGINNING.

SUBJECT TO all easements and/or rights-of-way of
record.

Containing 15.82 acres, more or less.

and

WHEREAS, after a public hearing held on September 9, 1996, 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. 96-41, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed P-D Zone conforms to the General Plan and the Modesto Redevelopment Area Master Plan which anticipates a community-sized shopping center at this major/minor arterial intersection.
2. The proposed P-D Zone will serve the best interests of the general public by providing goods and services and at the same time providing compatibility with the low-density residential area to the west and southwest.

and

WHEREAS, after a public hearing held on December 16, 1996, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Save Mart Supermarkets and I.C.I. 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. 96-41 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3017-C.S. on the 16th day of December, 1996, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(516).

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

SECTION 1. QUALIFIED DEVELOPMENT. That the proposed development shall be considered a "Category A Qualified Development" for purposes of Capital Facilities Fees.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(516), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Plot Plan and Off-Site Improvement Obligations - I.C.I./Save Mart Development, Modesto, California" as amended in red, stamped approved by the City Council on December 16, 1996.
2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Parks and Recreation Director. Screen landscaping shall be retained and augmented as necessary along the entire west property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
 - a. Eight-foot-high (8') solid decorative masonry wall along the entire west property line out to within 15 feet of Scenic Drive.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. The following street right-of-way dedication and improvements are traffic impact mitigation measures and shall be provided prior to issuance of a building permit and prior to occupancy respectively, or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area:

- a. The developer shall dedicate right-of-way for public streets on Scenic Drive and Oakdale Road in accordance with the approved Off-Site Improvement Obligations Plan.
- b. The developer shall provide street improvements in accordance with engineered plans to be prepared by the applicants' consultants and approved by the Public Works and Transportation Director, such improvements to be in accordance with the approved Off-Site Improvement Obligations Plan and limited to those items identified thereon as developer's responsibility.

All required street right-of-way dedications for improvement obligations by the City of Modesto on both Oakdale Road and Scenic Drive, shall be made prior to December 16, 1999. In the event that these dedications are not made within the three years, the City shall be absolved of its entire share of these street improvement responsibilities and the applicant/developer shall be required to pay the entire costs of the required street improvements.

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. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
10. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required

- a. The developer shall dedicate right-of-way for public streets on Scenic Drive and Oakdale Road in accordance with the approved Off-Site Improvement Obligations Plan.
- b. The developer shall provide street improvements in accordance with engineered plans to be prepared by the applicants' consultants and approved by the Public Works and Transportation Director, such improvements to be in accordance with the approved Off-Site Improvement Obligations Plan and limited to those items identified thereon as developer's responsibility.

All required street right-of-way dedications for improvement obligations by the City of Modesto on both Oakdale Road and Scenic Drive, shall be made prior to December 16, 1997. In the event that these dedications are not made within the three years, the City shall be absolved of its entire share of these street improvement responsibilities and the applicant/developer shall be required to pay the entire costs of the required street improvements.

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. Trash bins shall be kept in enclosures in accordance with the approved plan, and enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community Development Director.
10. 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. The supermarket may be open to the public 24 hours a day, seven days a week and all other businesses 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.
12. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Public Works and Transportation Director.
13. The loading dock area on the north and west sides of the shopping center may not be used for outside storage of any type of material.
14. Any activity in the loading dock areas, including the parking of trucks, shall be conducted only between the hours of 6:00 a.m. and 10:00 p.m. On the conditions that the retailer has constructed a fully enclosed receiving area, has a recessed truck dock a minimum of four feet below grade and with a four-foot sound wall along the loading dock area, instructs all drivers to turn off engines while unloading, and provided the loading area is set back a minimum of 47 feet from a residential property line, in which case, there shall be no hours limitations for such loading/unloading activity.
15. Two free-standing shopping center identification signs shall be permitted, one each on the Scenic Drive and Oakdale Road frontages. These signs shall not exceed 72 square feet in area and 20 feet in height. All other signs in the shopping center shall comply with the sign requirements of the C-3 Zone.
16. No signs shall be permitted above eight feet in height on the west face of the major buildings.
17. The following are air quality impact mitigation measures:

- a. The developer shall provide direct pedestrian access to main entrances of all buildings from existing or potential public transit stops and the sidewalk. Such access shall include but not be limited to paved walkways, ramps, or stairways.
 - b. The developer shall provide bicycle racks or enclosures with space for at least 20 bicycles.
 - c. The developer shall provide an easement for future bus shelters as requested by the City of Modesto and the transit providers.
18. 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 P-D Zone 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 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(516):

The entire construction program be accomplished in one phase construction to begin on or before December 16, 2002, and completion to be not later than December 16, 2004.

SECTION 4. 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 5. 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 6. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the

above-described property to Planned Development Zone, P-D(516), becomes effective.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, 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: Dobbs, Fisher, Friedman,
McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Cogdill

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

Clark 7

MODESTO CITY COUNCIL
RESOLUTION NO.96-690

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 22-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(516), PROPERTY LOCATED ON A PORTION OF THE COUNTY CENTER NO. 3 SITE AT THE NORTHWEST CORNER OF SCENIC DRIVE AND OAKDALE ROAD. (SAVE MART SUPERMARKETS AND I.C.I.)

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, Save Mart Supermarkets and I.C.I. has proposed that the zoning designation for the property located on a portion of the County Center No. 3 site at the northwest corner of Scenic Drive and Oakdale Road be amended to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(516), property located on a portion of the County Center No. 3 site at the northwest corner of Scenic Drive and Oakdale Road, in the City of Modesto ("the project"), and

WHEREAS, on August 12, 1996, the City's Community Development Department by Environmental Assessment 96-93 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 September 9, 1996, 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 August 12, 1996, 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 Special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, 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: Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang
NOES: Councilmembers: None
ABSENT: Councilmembers: Cogdill

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

City of Modesto
Initial Study

E.A. No. 96-93

I. PURPOSE

The Master Environmental Impact Report for the Modesto Urban Area General Plan allows for limited environmental review of the P-D Zone change. 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 Save Mart Supermarkets and ICI, Attn: Dan Wajkowski to rezone from R-1 to P-D for a neighborhood shopping center, the County Center No. 3 site located at the north-west corner of Oakdale Rd. and Scenic Drive
- B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353
- C. Contact person and phone number:
Jim Watt, Dir. of Real Estate, SaveMart Supermarkets, 1800 Standiford Ave., Modesto, Ca 95352-4278 (209) 574-6200
- D. Project Location:
North-West corner of Oakdale Rd. and Scenic Drive
- E. Project sponsor: SaveMart and ICI
- F. General Plan Designation: Redevelopment Planning District
- G. Current Zoning: R-1, Low-Density Residential Zone
- H. Description of Proposed Project: This project is a Rezone application to amend the zoning map from R-1 to P-D (Planned Development) to allow for the development of a neighborhood shopping center.

EXHIBIT A

I. Surrounding land uses: This project is surrounded by single family residential on the south and west, remaining County facilities to the north, and commercial development to the east.

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 project will provide approximately 138000 square feet of commercial building area. The rezoning in itself will not present impacts that were not analyzed in the MEIR. In addition, a traffic mitigation study is being prepared for this project. All of this will be improved to City standard. This is consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, still valid.

B. **Degradation of Air Quality**

This project will provide infill commercial development within the City of Modesto. It will not have additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, still valid.

C. **Generation of Noise**

This project is adjacent to and surrounded by urban development. Although the project will add additional traffic to the neighborhood, it will not create additional significant effects beyond those identified in the impact analysis. As a standard noise mitigation / compatibility treatment, there will be a solid masonry wall constructed along the east line of the alley adjoining to the west. The Existing Conditions, Impacts Analysis, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are, therefore still valid.

D. **Loss of Productive Agricultural Land**

The project is located on Urban and Built-up land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. The

project is already a fully developed governmental site and there will be no loss of agricultural land 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, therefore still valid.

E. Increased Demand for Water Supplies

This project which will provide for additional commercial development, which will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid.

F. Increased Demand for Sanitary Sewer Services

This project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

This project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are, therefore, still valid.

H. Disturbance of Archaeological and Historic Sites

This project and subsequent development will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archeological or Historical Sites section of the MEIR. Figure 8-1 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are, therefore, still valid.

I. Drainage, Flooding and Water Quality

The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are, therefore still valid.

- J. Increased Demand for Storm Drainage**
The development of this project will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are, therefore still valid.
- K. Increased Demand for Parks and Open Space**
This project will not have an effect upon the parks or open space needs in the area. 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 project will not generate any additional demand upon the local school districts. In addition, 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 proposal has a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are, therefore still valid.
- N. Increased Demand for Fire Services**
This project proposal has a less than significant impact upon the need for additional fire services to this area. Fire Station Number 1 is less than one 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 project and subsequent development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are, therefore still valid.
- P. Generation of Hazardous Materials**

This proposal will result in no additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV- 16-14) are, therefore still valid.

Q. Landslides and Seismic Activity

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity(pages IV-17-1 through IV- 1-11) are, therefore still valid.

R. Energy

This proposal will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV- 18-6) are, therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV CONCLUSIONS/DETERMINATIONS OF FINDINGS

- A. The proposed P-D zoning application is within the scope of the General Plan covered by a Master Environmental Impact Report (SCH #92052017).
- B. The Project 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 zone change to P-D that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply citywide, ncluding this project as appropriate.
- E. This initial study provides substantial evidence to support findings "A, B, C, and D" above.

Signature: Robert S. Carnell Date: 8-12-96

EA RESOLUTION

1 Attorney
1 CDD - Const. Admin.
1 CDD - George Osner
3

MODESTO CITY COUNCIL
RESOLUTION NO. 96-691

A RESOLUTION APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO GARBAGE COMPANY INC. FOR THE COLLECTION OF SOLID WASTE, INCLUDING GARBAGE, INDUSTRIAL GARBAGE, CONTAINERIZED GREEN WASTE, COMMINGLED GARBAGE/RECYCLABLES, RECYCLABLE MATERIALS AND SALVAGEABLE WASTE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the service agreement between the City of Modesto and Modesto Garbage Company Inc. for the collection of solid waste, including garbage, industrial garbage, containerized green waste, commingled garbage/recyclables, recyclable materials and salvageable waste be, and it is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, 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: Dobbs, Fisher, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill, Friedman

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-692

A RESOLUTION APPROVING A SERVICE AGREEMENT BETWEEN THE CITY OF MODESTO AND GILTON SOLID WASTE MANAGEMENT INC. FOR THE COLLECTION OF SOLID WASTE, INCLUDING GARBAGE, INDUSTRIAL GARBAGE, CONTAINERIZED GREEN WASTE, COMMINGLED GARBAGE/RECYCLABLES, RECYCLABLE MATERIALS AND SALVAGEABLE WASTE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the service agreement between the City of Modesto and Gilton Solid Waste Management Inc. for the collection of solid waste, including garbage, industrial garbage, containerized green waste, commingled garbage/recyclables, recyclable materials and salvageable waste be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said service 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 16th day of December, 1996, 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: Dobbs, Fisher, Serpa, Mayor Lang

NOES: Councilmembers: Cogdill, Friedman

ABSENT: Councilmembers: McClanahan

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-693

A RESOLUTION ACCEPTING THE BID OF BARHAM INC. FOR THE PROJECT TITLED "AMERICAN LEGION HALL DECK RENOVATION"

WHEREAS, the bids received for American Legion Hall Deck Renovation were opened at 11:00 a.m. on December 3, 1996, 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 63,331.88 from Barham Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the bid of \$63,331.88 from Barham Inc. for the American Legion Hall Deck Renovation be accepted and the execution of a contract for the completion of the project by the City's designated 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 December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-694

**A RESOLUTION AMENDING THE 1996-97 BUDGET TO APPROPRIATE FUNDS IN THE
AMOUNT OF \$79,000 TO ESTABLISH A NEW CIP PROJECT TO REBUILD AND
REFURBISH THE LEGION HALL DECK**

WHEREAS, funds are budgeted in the TRRP operating budget for engineering services, labor, materials and supplies to re-construct portions of the Legion Hall deck; however, the degree of deterioration was more extensive than anticipated and will require a contractor to replace portions of the main structural system; and

WHEREAS, the low bid for this project was \$63,331.88, with an additional \$15,199.65 for construction administration and contingencies, bringing the total cost of the project to \$78,531.53.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Capital Improvement Program Budget is hereby amended to establish a new CIP project to rebuild and refurbish the Legion Hall deck and funds will be transferred as shown below:

Transfer From:		Transfer To:	
#890-800-8000-8003	(\$39,861)	#890-310-H817-6040	\$78,532
#890-310-3912-0360	(19,139)		
#890-310-3912-0255	(20,000)		
#010-310-3112-9990	(20,000)		
#010-310-3112-0140	(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 day of December 16, 1996, by Councilmember Friedman, 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: 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: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-695

A RESOLUTION ACCEPTING THE PROJECT TITLED WIDEN CARPENTER ROAD FROM TORRID TO BLUE GUM AVENUE AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Widen Carpenter Road from Torrid to Blue Gum Avenue, has been completed by Tiechert Construction, in accordance with the contract agreement dated September 26, 1996.

NOW, THEREFORE, BE IT RESOLVED that the widening Carpenter Road from Torrid to Blue Gum Avenue be accepted from said contractor, Teichert Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$159,349.41 as provided in the contract, be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-696

A RESOLUTION ACCEPTING THE PROJECT TITLED STORM DRAIN ON SUNRISE AVENUE
BETWEEN TOKAY AVENUE AND THE CAVIL DRAIN AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled storm drain on Sunrise Avenue between Tokay Avenue and the Cavil Drain, has been completed by Rolfe Construction, in accordance with the contract agreement dated June 18, 1996.

NOW, THEREFORE, BE IT RESOLVED that the storm drain on Sunrise Avenue between Tokay Avenue and the Cavil Drain be accepted from said contractor, Rolfe Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$50,387.40 as provided in the contract, be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-697

A RESOLUTION ACCEPTING THE PROJECT TITLED DOWNEY AND DAVIS PARK TENNIS COURT LIGHTING AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Downey and Davis Park Tennis Court Lighting, has been completed by Collins Electrical Company Inc., in accordance with the contract agreement dated August 15, 1995.

NOW, THEREFORE, BE IT RESOLVED that the Downey and Davis Park Tennis Court Lighting be accepted from said contractor, Collins Electrical Company Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$189,288.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-698

A RESOLUTION ACCEPTING THE PROJECT TITLED RECONSTRUCTION OF THOUSAND OAKS LIFT STATION AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works & Transportation that the project titled Reconstruction of Thousand Oaks Lift Station, has been completed by GSE Construction, in accordance with the contract agreement dated September 26, 1994.

NOW, THEREFORE, BE IT RESOLVED that the Reconstruction of Thousand Oaks Lift Station be accepted from said contractor, GSE Construction; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$1,892,863.65 as provided in the contract, be authorized.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-699

A RESOLUTION WAIVING FORMAL BID PROCEDURES AND AUTHORIZING THE PURCHASE OF ONE INFILCO CLIMBER SCREEN FROM MISCO

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of one Infilco Climber Screen from MISCO is hereby waived.

BE IT FURTHER RESOLVED that purchase of one Infilco Climber Screen from MISCO for a not to exceed price of \$21,206.56.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-700

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE
MODESTO A's PROFESSIONAL BASEBALL CLUB FOR USE OF JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and the Modesto A's Professional
Baseball Club for use of John Thurman Field be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 16th day of December, 1996, 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: Dobbs, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: Cogdill, McClanahan, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-701

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE
MODESTO A'S PROFESSIONAL BASEBALL CLUB FOR THE CITY TO PROVIDE MAINTENANCE FOR
GAME/PRACTICE RELATED ACTIVITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the
agreement between the City of Modesto and the Modesto A's Professional
Baseball Club for the City to provide maintenance for game/practice related
activities be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 16th day of December, 1996, 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: Dobbs, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: Cogdill, McClanahan, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-702

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND FRED ANDERSON FOR COST OVERRUNS ASSOCIATED WITH THE RENOVATION OF JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Fred Anderson for cost overruns associated with the renovation of John Thurman Field be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of December, 1996, 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: Dobbs, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: Cogdill, McClanahan, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-703

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND L.D. ASTORINO & ASSOCIATES LTD. FOR CONCEPTUAL SITE PLAN DESIGN AND SPECIFICATIONS, AND PROJECT COST ESTIMATES FOR THE RENOVATION OF JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and L.D. Astorino & Associates for conceptual site plan design and specifications, and project cost estimates for the renovation of John Thurman Field be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of December, 1996, 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: Dobbs, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: Cogdill, McClanahan, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-704

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND L.D. ASTORINO & ASSOCIATES LTD. FOR CONSTRUCTION MANAGEMENT OF THE RENOVATION OF JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and L.D. Astorino & Associates for construction management of the renovation of John Thurman Field be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of December, 1996, 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: Dobbs, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: Cogdill, McClanahan, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-705

A RESOLUTION APPROVING A FIELD IMPROVEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND ACME CONSTRUCTION FOR RENOVATION AND IMPROVEMENTS AT JOHN THURMAN FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the field improvement agreement between the City of Modesto and Acme Construction for renovation and improvements at 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 16th day of December, 1996, 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: Dobbs, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: Cogdill, McClanahan, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-706

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE FUTURE "PRIME CONTRACTOR" AGREEMENTS (DEMOLITION, LANDSCAPING, BASEBALL FIELD MODIFICATIONS, FIELD LIGHTING AND GRANDSTAND SEATING) RELATING TO THE JOHN THURMAN FIELD RENOVATION PROJECT

WHEREAS on December 16, 1996 the Council of the City of Modesto approved the John Thurman Field renovation project; and

WHEREAS authorizing the City Manager to sign future "Prime Contractor" agreements will assist with the timely completion of the project.

NOW, THEREFORE, BE IT RESOLVED that the execution of said agreements by the City Manager be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of December, 1996, 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: Dobbs, Fisher, Friedman, Mayor Lang

NOES: Councilmembers: Cogdill, McClanahan, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

Clerk

MODESTO CITY COUNCIL
RESOLUTION NO. 96-707

A RESOLUTION DECLARING THE BLEACHERS AT JOHN THURMAN FIELD SURPLUS PROPERTY, AUTHORIZING THE DONATION OF SAID BLEACHERS TO MODESTO CITY SCHOOLS, AND AUTHORIZING THE PURCHASING OFFICER TO SELL OR DISPOSE OF OTHER UNUSABLE MATERIALS.

WHEREAS, the Parks and Recreation Department of the City of Modesto has declared that the bleachers at John Thurman Field have become surplus property to the City's needs as a result of the renovations of John Thurman Field, and

WHEREAS, Modesto City Schools is in need of bleachers for school athletic programs and has offered to remove the bleachers at its expense and pay the City \$1.00 for the donated bleachers, and

WHEREAS, it has been recommended by Parks and Recreation Department personnel that said bleachers should be donated to Modesto City Schools, and

WHEREAS, if it is determined that the bleachers are needed for the John Thurman Field renovation project this action will be rescinded, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bleachers at John Thurman Field have become surplus property to the City's needs, and the Council hereby authorizes the donation of said bleachers to Modesto City Schools.

BE IT FURTHER RESOLVED that if said bleachers are needed for the John Thurman Field renovation project this action will be rescinded.

BE IT FURTHER RESOLVED that the Purchasing Officer is hereby authorized to sell or otherwise dispose of other materials that are determined to be unusable during the course of the renovation project, subject to the determination of the Parks and Recreation Director.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of December, 1996, 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: Dobbs, Fisher, Friedman, Mayor Lang
NOES: Councilmembers: Cogdill, McClanahan, Serpa
ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-708**

**A RESOLUTION AMENDING THE 1996-97 CAPITAL IMPROVEMENT PROGRAM TO
ESTABLISH AND APPROPRIATE A NEW CIP, JOHN THURMAN FIELD RENOVATION, IN
FUND 130, SPECIAL FUND FOR CAPITAL OUTLAYS**

WHEREAS, on June 25, 1996, the City Council directed the City Manager to initiate steps leading to the rehabilitation of John Thurman Field and to negotiate agreements with the Modesto A's for long term use of the field for professional baseball; and

WHEREAS, a new CIP project needs to be established to allow for the City to provide its \$3 million share of the costs for renovation and improvement to the stadium.

WHEREAS, City funds will only be available after completion of capital market borrowing and proceeds from the bonds will be placed in a Capital Improvement Project in Fund 130, Special Fund for Capital Outlays.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a new CIP project, John Thurman Field Renovation, is hereby established in Fund 130, Special Fund for Capital Outlays is hereby amended to as shown below:

Revenue:	Account #210-510-9510-8301	\$3,548,952
Expenditure:	Account #210-120-0454	\$ 172,170
	Account #944-120-D510-0452	\$ 49,103
Interfund Transfer:	Transfer out (EB) #210-700-7000-7130	\$2,976,627
	Transfer in (RB) #130-700-7000-9210	\$2,976,627
	Transfer out (EB) #210-700-7000-7944	\$400,157
	Transfer in (RB) #944-700-7000-9210	\$400,157
CIP:	#130-310-H838	\$3,000,000

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 day of December 16, 1996, 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 votes:

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

NOES: Councilmembers: Cogdill, McClanahan, Serpa

ABSENT: Councilmembers: None

ATTEST: 
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: 
STAN FEATHERS, Budget Officer

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-709**

A RESOLUTION AMENDING THE 1996-97 BUDGET TO ESTIMATE \$44,334 IN NEW REVENUE AND APPROPRIATE \$44,334 IN NEW EXPENDITURES IN ORGANIZATION 3115, JOHN THURMAN FIELD

WHEREAS, on June 25, 1996, the City Council directed the City Manager to initiate steps leading to the rehabilitation of John Thurman Field and to negotiate agreements with the Modesto A's for long term use of the field for professional baseball; and

WHEREAS, the current operating budget for Organization 3115, John Thurman Field, provides for \$91,250 in expenses and \$44,880 in revenue. The new lease agreement with the Modesto A's provides for lease payments of \$75,000 per season and maintenance reimbursement of \$69,348 per season which are to be paid on the 15th of May, June, July and August.

WHEREAS, the revenue estimate for Organization 3115, Object 1319, John Thurman Field Franchise, needs to be increased by \$44,334; with revenues from other rentals remaining unchanged.

WHEREAS, operating expenses for John Thurman Field are currently budgeted at \$91,250; however, in order for the City to meet the obligations of the new agreements, additional expenses of \$44,334 are anticipated and should be appropriated to Organization 3115.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget is hereby amended estimating revenue of \$44,334 into Account #010-310-3115 and appropriating new expenditures from Account #010-310-3115-1319.

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 day of December 16, 1996, 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 votes:

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

NOES: Councilmembers: Cogdill, McClanahan, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

RESOLUTION NO. 96-710

A RESOLUTION APPROVING, AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,900,000 LEASE REVENUE BONDS, SERIES 1996 (JOHN THURMAN FIELD RENOVATION PROJECT) BY THE MODESTO PUBLIC FINANCE AUTHORITY AND DIRECTING EXECUTION OF CERTAIN LEASE FINANCING DOCUMENTS AND CERTAIN RELATED DOCUMENTS, AUTHORIZING AND DIRECTING EXECUTION OF A CONTRACT OF PURCHASE, APPROVING THE FORM AND AUTHORIZING DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND 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 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 the renovations to the John Thurman Field (the "Project") as more fully described on Exhibit B of the Lease/Purchase Agreement (the "Lease/Purchase Agreement"), dated as of December 1, 1996, between the City and the Authority; and

WHEREAS, the Authority desires to issue, sell and deliver its Lease Revenue Bonds, Series 1996 (John Thurman Field Renovation Project), in the aggregate principal amount not to exceed \$3,900,000 to finance the Project and to enter into a certain Lease/Purchase Agreement, all under and in accordance with the Constitution and laws of the State of California, including the Act; 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 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 Site and Facilities Lease (the "Site and Facilities Lease"), by and between the City and the Authority, pursuant to which the City will lease certain real property to the Authority;

(b) a form of Lease/Purchase Agreement (the "Lease Agreement"), by and between the Authority, as lessor, and the City, as lessee, pursuant to which the City will lease-back the real property and the improvements thereon, provided (i) the term of the Lease Agreement does not exceed twenty-one (21) years, and (ii) the maximum lease payments made by the City under the Lease Agreement in any twelve-month period, beginning on November 2 and ending on the succeeding November 1, shall not exceed \$400,000 (the "Maximum Annual Lease Payment"); and

(c) a form of Continuing Disclosure Agreement, by and between the City and First Trust of California, National Association, as Dissemination Agent thereto.

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 Chairperson or Treasurer. The Chairperson or Treasurer 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 Chairperson or the Treasurer 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 Contract of Purchase by and among Lehman Brothers (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 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 \$3,900,000 and so long as the Underwriter's compensation shall not exceed \$50,000 and the original issue discount shall not exceed one and one-half percent (1.5%) of the principal amount of the Bonds.

Section 4. The City Manager, the 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 for the debt service reserve fund under the Indenture if, upon the advice of the City's financial advisor, the purchase of such insurance policy or surety bond is 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 5. This Resolution shall take effect upon its adoption by this City Council.

* * * * *

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, 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:	Dobbs, Fisher, Friedman, Mayor Lang
NOES:	Councilmembers:	Cogdill, McClanahan, Serpa
ABSENT:	Councilmembers:	None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. 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. 96-710, was introduced and adopted at a special meeting provide by law, of the City Council of the City of Modesto held on the 16th day of December, 1996, by the following vote of the members thereof:

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

NOES: Councilmembers: Cogdill, McClanahan, Serpa

ABSENT: Councilmembers: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Modesto this 8th day of January, 1997.

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. 96-710 duly passed and adopted by the Modesto City Council on the December 16, 1996.

Jean Adams
JEAN ADAMS, CITY CLERK

MODESTO CITY COUNCIL
RESOLUTION NO. 96-711

A RESOLUTION APPROVING DEVELOPMENT OF A LOCAL
TELECOMMUNICATIONS ORDINANCE AND BUSINESS
PLAN FOR THE CITY OF MODESTO.

WHEREAS, in February, 1996, the U.S. Congress passed
hallmark legislation known as the Telecommunications Act of 1996,
and

WHEREAS, said bill effectively deregulated the
telecommunications industry, and has served to spur intense
competition including long distance and local exchange telephone
companies, cable television companies, wireless telephone and
data companies, and other firms providing voice, video and data
transmission services, and

WHEREAS, said new legislation limits local authority to
impose franchises on certain telecommunications providers, but
allows appropriate local control to regulate and coordinate
activities in the public rights-of-way as well as certain
activities on private property, and

WHEREAS, to ensure that the City of Modesto has the
necessary regulations in place to protect the community's rights
and interests, City staff has recommended that a
telecommunications ordinance be developed and adopted, and

WHEREAS, since the City and County of Stanislaus have
the responsibility and interest to ensure that residents and
businesses receive quality and cost-effective telecommunications
services, and the irrigation districts have a business interest

in utilizing their facilities to provide telecommunications services, City staff has also recommended that the City of Modesto initiate efforts to develop a telecommunications partnership with the County of Stanislaus and the Modesto and Turlock Irrigation Districts, and

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

1. That the development of a local telecommunications ordinance and business plan for the City of Modesto as recommended by City staff is approved.

2. That the pursuit of a regional telecommuniatiосn partnership agreement with the County of Stanislaus, Modesto Irrigation District, and the Turlock Irrigation District is approved.

3. That City staff is authorized to negotiate agreements for telecommunications professional services not to exceed \$50,000, said agreements to be submitted for consideration and approval by the City Council.

4. That, by a companion resolution, the General Fund Budget shall be amended to provide the necessary funding.

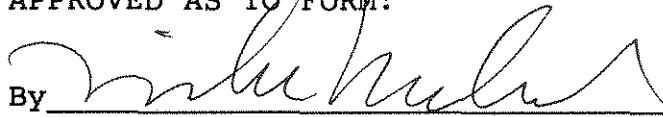
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa 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

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-712**

**A RESOLUTION AMENDING THE 1996-97 ANNUAL BUDGET TO APPROPRIATE
\$50,000 FROM THE CONTINGENCY RESERVE FUND TO ACCOUNT #010-040-0401-0235
FOR PROFESSIONAL SERVICES IN CONJUNCTION WITH A
TELECOMMUNICATIONS PARTNERSHIP**

WHEREAS, the Telecommunications Act of 1996 deregulated the telecommunications industry and has spurred intense competition amongst telecommuincations companies;

WHEREAS, staff is recommending that the City of Modesto initiate efforts to develop a telecommunications partnership among the four local agencies (Modesto Irrigation District, Turlock Irrigation District, the City of Modesto and County of Stanislaus), which will do a better job of planning, coordinating, and developing area telecommunications services that are in the best interest to the public; and

WHEREAS, staff will need professional assistance in evaluating the technical and business aspects of our telecommunications service options.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that 1996-97 Annual Budget be hereby amended to appropriate \$50,000 from the contingency reserve fund to Account #010-040-0401-0235 for professional services in conjunction with a County-wide telecommunications partnership.

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 day of December 16, 1996, 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 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: Stan Feathers
STAN FEATHERS, Budget Officer

**MODESTO CITY COUNCIL
RESOLUTION NO. 96-713**

**A RESOLUTION AMENDING THE 1996-97 ANNUAL BUDGET
TO CREATE THE NORTH BEYER SUBTRUNK PROJECT AND FUNDS TO BE
APPROPRIATED FROM THE SEWER RESERVES FUND ACCOUNT #621-800-8000-8003**

WHEREAS, the remnant neighborhood known as North Beyer is proceeding toward development and the immediate need for subtrunks for this area was not anticipated at the time of budget adoption. The model homes are scheduled to be complete by April of 1997; the area is annexed and the specific plan adopted; and

WHEREAS, funds are available from the Sewer Fund, in reserves set aside for expansion and rehabilitation, with the total cost to be \$1,005,860.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 1996-97 Annual Budget be hereby amended to create the North Beyer Subtrunk Project for \$1,005,860, with funds being appropriated from the Sewer Reserves Fund Account #621-800-8000-8003.

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 day of December 16, 1996, by Councilmember Friedman, 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: Cogdill, Dobbs, Fisher, Friedman, McClanahan, Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



JEAN ADAMS, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By:


STAN FEATHERS, Budget Officer

MODESTO CITY COUNCIL
RESOLUTION NO. 96-714

A RESOLUTION APPROVING AN AGREEMENT FOR SERVICES BETWEEN THE CITY OF MODESTO AND MID-VALLEY ENGINEERING FOR THE DESIGN OF THE NORTH BEYER SUBTRUNK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for services between the City of Modesto and Mid-Valley Engineering for the design of the North Beyer Subtrunk be, and it is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

RESOLUTION NO. 96-715

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

WHEREAS, City of Modesto (the "City") is a chartered city and municipal corporation organized and existing under the Constitution and laws of the State of California; and

WHEREAS, the City has paid, beginning no earlier than October 17, 1996, and will pay, on and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction and equipping of certain capital improvements in connection with its wastewater system (the "Project"), as more fully described in Exhibit A attached hereto; and

WHEREAS, the City Council of the City (the "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 City for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL AS FOLLOWS:

Section 1. The Council hereby declares the City's intent to reimburse the City with the proceeds of the Bonds for the Expenditures with respect to the Project made on and after October 17, 1996, which date is no more than 60 days prior to the date hereof. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$40,000,000.

Section 4. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect upon its adoption by the City Council.

* * *

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT A

DESCRIPTION OF PROJECT

The project consists of the acquisition, construction and equipping of certain capital improvements to the City's wastewater system and related costs and facilities.

MODESTO CITY COUNCIL
RESOLUTION NO. 96-716

A RESOLUTION APPROVING AN ALCOHOL AND DRUG TESTING POLICY AND PROCEDURE

WHEREAS, the Omnibus Transportation Employee Testing Act of 1991 provided for the prevention and testing for alcohol misuse and drug use for operators of commercial motor vehicles; and

WHEREAS, final Federal Regulations were approved on February 15, 1994, mandating the establishment of a testing program by the City, effective January 1, 1995; and

WHEREAS, on December 13, 1994 the Council of the City of Modesto approved the original Alcohol and Drug Testing Policy and Procedure; and

WHEREAS, the City of Modesto Alcohol and Drug Testing Policy and Procedure is governed by both the Federal Highway Administration (FHA) and the Federal Transit Administration (FTA); and

WHEREAS, as a result of a recent audit, there is a need to update the policy and procedure to reflect changes in its administration that have been developed over the course of the last two years.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Alcohol and Drug Testing Policy and Procedure attached hereto and made a part hereof 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 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

City of Modesto



**ALCOHOL & DRUG
TESTING
POLICY & PROCEDURE**

*Effective: January 1, 1995
Amended: December 13, 1996*

Revised 12/13/1996

ALCOHOL & DRUG TESTING POLICY AND PROCEDURE

Table of Contents

PURPOSE	1
DEFINITIONS	1
STATEMENT OF PHILOSOPHY	4
Drugs and Alcohol in the Workplace	4
City Philosophy	5
SCOPE	5
City Designee	5
Employees Subject to Testing	6
PROHIBITED CONDUCT AND DISQUALIFICATION	6
Prohibited Conduct	6
Alcohol concentration	6
Alcohol possession	6
Alcohol on-duty use	6
Alcohol pre-duty use	6
Alcohol use following an accident	6
Other alcohol-related conduct	6
Controlled substance use	7
Controlled substance testing	7
Refusal to submit to required alcohol or controlled substances test	8
Disqualification	8
Removal from safety-sensitive function	8
Required evaluation and testing	8
REQUIRED TESTS	8
Pre-Employment/Pre-Duty Testing	9
Post-Accident Testing	9
Random Testing	10
Reasonable Suspicion Testing	10
Return-to-Duty Testing	12
Follow-up Testing	12
Compensation	12
Alcohol Testing Methodology	12

Breath Alcohol Technician	12
Alcohol Testing Devices	13
Quality Assurance Plan (QAP)	13
Alcohol Testing Site	13
Alcohol Testing Procedures	13
Preparation for Testing	13
Procedures for screening test	13
Procedures for confirmation test	15
Refusals to Test and Uncompleted Tests	18
Inability to Provide an Adequate Amount of Breath	18
Invalid Tests	19
Specimen Collection Procedures for Testing Controlled Substances	20
Urine Specimen Collection	20
Chain-of-custody	27
Testing Methodology	27
Appropriate Laboratory	27
Initial Test	27
Confirmatory test	28
Reporting of Test Results	29
Specimen Retention	31
Test Results	31
Medical Review Officer Duties and Qualifications	31
Positive Test Results	32
Verification for Opiates; Review for Prescription Medication	33
Disclosure of information	34
Confidentiality and Record keeping	35
Confidentiality and Access to Records	35
Maintenance and Retention of Records	36
General Requirement	36
Period of Retention	37
Five years	37
Two years	37
One year	37
Types of records	37
Employee Assistance Program (EAP)	40
Effects of Alcohol and Drug Use	41

Discipline 41
Blind Performance Test Procedures 43
Management Information Systems 43
APPENDICES 44

Reasonable Suspicion Test Memorandum
U.S. Department of Transportation (DOT) Breath Alcohol Testing Form
Fact Sheets
Employee Acknowledgment Form

ALCOHOL & DRUG TESTING POLICY AND PROCEDURE

1. PURPOSE:

It is the purpose of this Policy and Procedure to implement the provisions of the Omnibus Transportation Employee Testing Act of 1991 and any amendments thereto, effective January 1, 1995. This policy and procedure is adjunct to the City of Modesto's **Alcohol and Drug Abuse Policy**, dated August 22, 1991.

2. DEFINITIONS:

Accident means an occurrence involving a commercial motor vehicle operating on a public road which results in:

- (1) A fatality;
- (2) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- (3) One or more motor vehicles incurs disabling damage as a result of the accident requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) means a person trained to proficiently conduct alcohol testing utilizing an evidential breath testing device.

Commercial motor vehicle means motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle -

- (1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- (2) has a gross vehicle weight rating or 26,001 or more pounds; or

- (3) is designed to transport 16 or more passengers, including the driver; or
- (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Material Regulations (49 CFR part 172, subpart F).

Confirmation test For alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

Department of Transportation (DOT) means the Federal DOT

Evidential breath testing (EBT) device means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices"(CPL).

Medical Review Officer (MRO) means a licensed physician responsible for receiving laboratory results generated by the City's controlled substance testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

On-duty time means:

- (1) All time, while in a paid status, working or waiting to work;
- (2) all time inspecting, servicing, or conditioning, or maintaining any commercial motor vehicle, revenue service vehicle or equipment used in revenue service at any time;

- (3) all driving time driving any commercial motor or revenue service vehicle;
- (4) all time, other than driving time, in or upon any commercial motor vehicle;
- (5) all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- (6) all time spent performing the driver requirements relating to accidents;
- (7) all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle; or,
- (8) all time controlling dispatch or movement of a revenue service vehicle or equipment used in a revenue service vehicle; or,
- (89) all time carrying a firearm for security purposes.

Performing a safety-sensitive function means an employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Refuse to submit (to an alcohol or controlled substance test) means that an employee

- (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this Policy and Procedure;
- (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this Policy and Procedure; or,
- (3) engages in conduct that clearly obstructs the testing process.

Safety-sensitive function means any of those duty functions set forth in the definition of **On-Duty time**.

Screening test (also known as initial test) In alcohol testing, it means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Substance abuse professional (SAP) means a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

3. **STATEMENT OF PHILOSOPHY:**

Drugs and Alcohol in the Workplace — In passing the Omnibus Transportation Employee Testing Act of 1991, Congress found that:

- (1) alcohol abuse and illegal drug use pose significant dangers to the safety and welfare of the Nation;
- (2) millions of the Nation's citizens utilize transportation by aircraft, railroads, trucks, and buses, and depend on the operators of aircraft, trains, trucks, and buses to perform in a safe and responsible manner;
- (3) the greatest efforts must be expended to eliminate the abuse of alcohol and use of illegal drugs, whether on duty or off duty, by those individuals who are involved in the operation of aircraft, trains, trucks, and buses;
- (4) the use of alcohol and illegal drugs has been demonstrated to affect significantly the performance of individuals, and has been proven to have been a critical factor in transportation accidents;

(5) the testing of uniformed personnel of the Armed Forces has shown that the most effective deterrent to abuse of alcohol and use of illegal drugs is increased testing, including random testing;

(6) adequate safeguards can be implemented to ensure that testing for abuse of alcohol or use of illegal drugs is performed in a manner which protects an individual's right of privacy, ensures that no individual is harassed by being treated differently from other individuals, and ensures that no individual's reputation or career development is unduly threatened or harmed; and

(7) rehabilitation is a critical component of any testing program for abuse of alcohol or use of illegal drugs, and should be made available to individuals, as appropriate.

City Philosophy — As stated in the City of Modesto's **Alcohol and Drug Abuse Policy**, employees shall not utilize or be under the influence of alcohol or drugs while in City vehicles, at work locations, or while on duty or paid standby; shall not possess alcohol or drugs while on duty, or in City vehicles; shall not sell or provide or participate in or arrange for the selling or provision of prescription or illegal drugs to any other employee or to any person while such employee is on duty or paid standby; nor have their ability to work impaired as a result of the use of alcohol or drugs. Employees must be able to perform their duties safely and efficiently, in the interest of the public and their fellow workers, as well as themselves. The influence of drugs and alcohol on employees is not consistent with this objective.

The City will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs, or any other substance which could impair an employee's ability to perform safely and effectively the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage to the City's reputation.

4. **SCOPE:**

A. City Designee: The Risk Manager is designated to administer this Policy and Procedure and to answer questions concerning its implementation.

- B. Employees Subject to Testing:** Any employee or volunteer (hereinafter collectively referred to as **employee**), except fire personnel¹, who possesses a Class A or Class B California Driver's License and is required to operate or maintain a commercial motor vehicle or any employee who operates or maintains a motor vehicle transporting hazardous material or who carries a firearm and is assigned to the Modesto Transportation Center.

5. PROHIBITED CONDUCT AND DISQUALIFICATION:

A. Prohibited Conduct

- 1. Alcohol concentration.** No employee shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater.
- 2. Alcohol possession.** No employee shall be on duty or operate a commercial motor vehicle while the employee is in possession of alcohol.
- 3. Alcohol on-duty use.** No employee shall use alcohol while on-duty.
- 4. Alcohol pre-duty use.** No employee shall perform safety-sensitive functions within four (4) hours after using alcohol.
- 5. Alcohol use following an accident.** No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until her or she undergoes a post-accident alcohol test, whichever occurs first.
- 6. Other alcohol-related conduct.** No employee tested under this Policy and Procedure who is found to have an alcohol concentration

¹ Section 34520 (e) of the California Vehicle Code exempts fire personnel from the provisions of the Omnibus Transportation Employee Training Act of 1991. However, fire personnel are still covered by the City's **Alcohol and Drug Abuse Policy**.

of 0.01² or greater but less than 0.04 shall perform safety-sensitive functions until the start of the employee's next regularly scheduled tour of duty, but not less than 24 hours following administration of the test.

7. **Controlled substance use.** No employee shall report for duty or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle.

An employee taking prescribed drugs who has knowledge of or has been advised that they have the potential to interfere with safe work performance shall report this possibility to the supervisor before beginning work. Failure to notify a supervisor may result in disciplinary action, up to and including termination. The employee may be required to provide a statement from a licensed physician, nurse practitioner, or physician assistant, that the employee is able to work safely while taking the prescribed medication. An employee who is not cleared to work will not be permitted to work unless an alternative work assignment is granted under the City's modified duty assignment policy. If no alternative work assignment is available, the employee may use sick leave, accrued time off, or approved leave of absence until released for work by a licensed physician, nurse practitioner, or physician assistant.

8. **Controlled substance testing.** No employee shall report for duty, remain on duty, or perform a safety-sensitive function, if the employee tests positive for controlled substances.

² Although Federal Regulations implementing the Omnibus Transportation Employee Testing Act of 1991 stipulate an alcohol concentration of 0.02, California Vehicle Code Section 34501.15 states that an employee may not perform a safety-sensitive function with a alcohol concentration greater than 0.01.

9. **Refusal to submit to required alcohol or controlled substances test.** No employee shall refuse to submit to an alcohol or controlled substance test as further defined herein. *Refusal to submit to a required test is the same as having a positive test result.*

B. Disqualification

1. **Removal from safety-sensitive function.** No employee shall perform safety-sensitive functions who has engaged in conduct prohibited by this Policy and Procedure. An employee who tests positive for alcohol or controlled substances shall be placed on leave pending disciplinary action review.
2. **Required evaluation and testing.** No employee who has engaged in conduct prohibited by this Policy and Procedure shall perform safety-sensitive functions until the employee has been evaluated by a **substance abuse professional (SAP)** and has undergone a **Return-to-duty Test**. In addition, if the employee was identified by the **SAP** as needing assistance in resolving a chemical dependency problem, the employee must:
 - be evaluated by the **SAP** to determine that the employee properly followed any prescribed rehabilitation program, and
 - be subject to unannounced **Follow-up Alcohol and Drug Tests**.

6. REQUIRED TESTS³

³ Unless otherwise provided by memorandum from the City's Risk Manager, all controlled substance testing will be conducted by Gould Medical Foundation, Occupational Medicine, 600 Coffee Road, Modesto, CA (209) 524-1211. Alcohol tests may be conducted by Gould or the Modesto Police Department (MPD). To the extent feasible, the employee's supervisor should notify Gould or MPD prior to the employee arriving for the test.

- A. Pre-Employment/Pre-Duty Testing:** Prior to the first time a newly hired, transferred or promoted employee performs safety-sensitive functions, the employee shall undergo testing for alcohol and controlled substances. Said employee shall **not** perform any safety-sensitive function until after the results of the pre-employment test are known.

The City shall notify an applicant of the results of a pre-employment test if the applicant requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

The City shall obtain, upon written consent of the employee, information on the employee's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years from previous employers. This information shall be obtained and reviewed by the City no later than fourteen (14) calendar days after the first time an employee performs safety sensitive functions. The employee shall not perform any safety-sensitive functions after fourteen (14) calendar days without obtaining the information.

- B. Post-Accident Testing:** As soon as practicable following any accident involving a commercial motor vehicle where the driver may have been at fault, each employee who was performing a safety-sensitive function with respect to the vehicle shall be tested for alcohol and controlled substances. The determination of probable fault and of which employee(s) other than the driver whose performance may have contributed to the accident shall be determined by the City's Risk Manager utilizing the best information available at the time of the decision.

If a post-accident alcohol test is not administered within two (2) hours following the accident, the employee's supervisor shall immediately forward to the City's Risk Manager a memorandum stating the reasons why the test was not promptly administered. If a post-accident alcohol test is not administered within eight (8) hours following the accident, the employee's supervisor shall immediately forward to the City's Risk Manager a memorandum stating the reasons why the test was not promptly administered and no further attempts to administer a post-accident alcohol test shall be made.

If a post-accident controlled substance test is not administered within thirty-two (32) hours following the accident, the employee's supervisor shall immediately forward to the City's Risk Manager a memorandum stating the reasons why the test was not promptly administered and no further attempts to administer a post-accident controlled substance test shall be made.

An employee who is subject to a post-accident test shall remain readily available for such test or shall be deemed to have refused to submit to testing. Nothing in this paragraph shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

- C. Random Testing:** All employees shall be subject to periodic, random testing. Subject to modification by DOT, the minimum annual percentage rate for random alcohol testing shall be twenty-five percent (25%) of the average number of employees covered by this policy; the minimum annual percentage rate for random controlled substance testing shall be fifty percent (50%) of the average number of employees covered by this policy.

The City's Risk Manager shall schedule unannounced alcohol and controlled substance tests and select employees for testing by utilizing a random number generator that matches the employee's social security number. Each employee shall have an equal chance of being tested each time selections are made. Employees selected shall be notified by their supervisor to proceed immediately to the collection site for testing.

An employee shall only be tested for alcohol while the employee is performing safety-sensitive functions, just before the employee is to perform safety sensitive functions, or just after the employee has ceased performing such functions.

- D. Reasonable Suspicion Testing:** As currently provided in the City's **Alcohol and Drug Abuse Policy**, the City may require an employee to submit to an alcohol and/or controlled substance test whenever it has **reasonable suspicion** to believe that an employee has violated the prohibitions of this policy. The employee shall be immediately transported

to the collection site and said test shall be administered within two (2) hours following determination of **reasonable suspicion**.

Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform the job safely is reduced.

Any of the following, alone or in combination, may constitute **reasonable suspicion**:

- (1) Odor of alcoholic beverage on breath
- (2) Slurred and/or thick speech
- (3) Staggered gait (Unsteady walking and movement)
- (4) Vertical and/or horizontal nystagmus
- (5) Abnormally constricted pupils (below 2.5 mm) which are non-responsive to light
- (6) Abnormally dilated pupils (above 6.5 mm) which are non-responsive to light
- (7) Loss of attention span under controlled conditions
- (8) Inability to comprehend under controlled conditions
- (9) Hallucinating
- (10) An accident involving City property, where there is reason to believe that employee impairment may have been a factor
- (11) Possession of alcohol on the job
- (12) Possession of an illegal drug
- (13) Possession of a prescription drug on the job without a valid prescription
- (14) Objective symptoms of drug usage identified by a trained medical practitioner or law enforcement officer

Any manager or supervisor directing an employee to submit to a drug and/or alcohol test shall document in writing, on the form provided (attachment A), the facts constituting **reasonable suspicion** that the employee in question is intoxicated or under the influence of drugs.

Any manager or supervisor encountering an employee who refuses to submit to a drug and/or alcohol test shall remind the employee of the requirements and disciplinary consequences of this policy and procedure. The employee's refusal shall be documented in writing. Where there is **reasonable suspicion** that the employee is then under the influence of alcohol or drugs, the manager or supervisor should arrange for the employee to be safely transported home after the employee has undergone alcohol and controlled substance testing. The employee shall be placed on paid administrative leave pending the outcome of the test.

- E. **Return-to-Duty Testing:** Prior to returning to duty, any employee who has violated the provisions of this Policy and Procedure shall undergo a **return-to-duty** alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substance test with a result indicating a verified negative result for controlled substance use. ~~The City shall pay any test where the results are negative.~~ The employee shall pay for any tests. ~~where the results are positive.~~
- F. **Follow-up Testing:** Any employee who has been certified by a **SAP** as in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances shall undergo **follow-up** alcohol and/or controlled substance testing as directed by the **SAP**. ~~The City shall pay any test where the results are negative.~~ The employee shall pay for any tests. ~~where the results are positive.~~
- G. **Compensation:** Time spent in conjunction with **pre-duty, post-accident, random, and reasonable suspicion** testing shall be considered as paid time. The City shall also pay for the cost of these tests, ~~and pre-employment tests and the initial evaluation by the SAP.~~ Cost of the test, ~~SAP-required treatment,~~ and time spent while testing for **return-to-duty** and **follow-up** testing shall be borne by the employee.

7. Alcohol Testing Methodology

- A. **Breath Alcohol Technician:** The City or its agent shall only utilize a **BAT** who meets the stringent training requirements of 29 CFR §40.51 or is a law enforcement officer certified to use the **EBT** that is utilized.

- B. **Alcohol Testing Devices:** The City or its agent shall only utilize an **EBT** which meets the requirements of 29 CFR §40.53.
- C. **Quality Assurance Plan (QAP):** The City or its agent shall ensure that the **EBT** shall have a quality assurance plan developed by the manufacturer and that said plan is complied with for each **EBT** used for alcohol testing.
- D. **Alcohol Testing Site:** Alcohol testing shall be conducted in a location that affords visual and aural privacy to the employee being tested, sufficient to prevent unauthorized persons from seeing or hearing test results.

8. **Alcohol Testing Procedures**

- A. **Preparation for Testing:** Prior to being tested, the **BAT** shall require the employee to provide a photo identification and shall explain the testing procedure to the employee.
- B. **Procedures for screening test:** The following procedures shall be followed:
 - (1) the **BAT** and the employee shall complete their respective portions of the Breath Alcohol Testing Form (Attachment B). Refusal by the employee to sign this form shall be regarded as a refusal to take the test.
 - (2) An individually-sealed mouthpiece shall be opened in view of the employee and attached to the **EBT** in accordance with the manufacturer's instructions.
 - (3) The **BAT** shall instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the **EBT** indicates that an adequate amount of breath has been obtained.
 - (4)(a) If the **EBT** does not meet the requirements of 29 CFR §40.53(b)(1) through (3), the **BAT** and the employee shall take the following steps:

(i) Show the employee the result displayed on the **EBT**. The **BAT** shall record the displayed result, test number, testing device, serial number of the testing device, time and quantified result in Step 3 of the form.

(ii) Record the test number, date of the test, name of the **BAT**, location, and quantified test result in the log book. The employee shall initial the log book entry.

(4)(b) If the **EBT** provides a printed result, but does not print the results directly onto the form, the **BAT** shall show the employee the result displayed on the **EBT**. The **BAT** shall then affix the test result printout to the breath alcohol test form in the designated space, using a method that will provide clear evidence of removal (e.g., tamper-evident tape).

© If the **EBT** prints the test results directly on the form, the **BAT** shall show the employee the result displayed on the **EBT**.

(5)(a) In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the **BAT** shall date the form and sign the certification in Step 3 of the form. The employee shall sign the certification and fill in the date in Step 4 of the form.

(b) If the employee does not sign the certification in Step 4 of the form or does not initial the log book entry for a test, it shall not be considered a refusal to be tested. In that event, the **BAT** shall note the employee's failure to sign or initial in the "Remarks" section of the form.

© If a test result printed by the **EBT** (see paragraph (4)(b) or (4)(c) of this section) does not match the displayed result, the **BAT** shall note the disparity in the remarks section. Both the employee and the **BAT** shall initial or sign the notation. The test shall be invalid and the City and employee shall be so advised.

(d) No further testing is authorized. The **BAT** shall transmit the result of less than 0.02 to the City in a confidential manner, and the City shall receive and store the information so as to ensure that confidentiality is maintained.

(6) If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be performed.

(7) If the confirmation test will be conducted by a different **BAT**, the **BAT** who conducts the screening test shall complete and sign the form and log book entry. The **BAT** will provide the employee with Copy 2 of the form.

C. Procedures for confirmation test: The following procedures shall be followed:

(1) If a **BAT** other than the one who conducted the screening test is conducting the confirmation test, the new **BAT** shall follow the procedures outlined above in **Preparation for Testing**.

(2) The **BAT** shall instruct the employee not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This waiting period begins with the completion of the screening test, and shall not be less than 15 minutes. The confirmation test shall be conducted within 20 minutes of the completion of the screening test. The **BAT** shall explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The **BAT** shall also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. If the **BAT** becomes aware that the employee has not complied with this instruction, the **BAT** shall so note in the "Remarks" section of the form.

(3)(a) If a **BAT** other than the one who conducted the screening test is conducting the confirmation test, the new **BAT** shall initiate a new

Breath Alcohol Testing form. The **BAT** shall complete Step 1 on the form. The employee shall complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification shall be regarded as a refusal to take the test. The **BAT** shall note in the "Remarks" section of the form that a different **BAT** conducted the screening test.

(b) In all cases, the first three steps of the **Procedures for screening test** shall be followed. A new mouthpiece shall be used for the confirmation test.

(4) Before the confirmation test is administered for each employee, the **BAT** shall ensure that the **EBT** registers 0.00 on an air blank. If the reading is greater than 0.00, the **BAT** shall conduct one more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument.

(5) Any **EBT** taken out of service because of failure to perform an air blank accurately shall not be used for testing until a check of external calibration is conducted and the **EBT** is found to be within tolerance limits.

(6) In the event that the screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result upon which any action under operating administration rules shall be based.

(7)(a) If the **EBT** provides a printed result, but does not print the results directly onto the form, the **BAT** shall show the employee the result displayed on the **EBT**. The **BAT** shall then affix the test result printout to the breath alcohol test form in the designated space, using a method that will provide clear evidence of removal (e.g., tamper-evident tape).

(b) If the **EBT** prints the test results directly onto the form, the **BAT** shall show the employee the result displayed on the **EBT**.

(8)(a) Following the completion of the test, the **BAT** shall date the form and sign the certification in Step 3 of the form. The employee shall sign the certification and fill in the date in Step 4 of the form.

(b) If the employee does not sign the certification in Step 4 of the form or does not initial the log book entry for a test, it shall not be considered a refusal to be tested. In this event, the **BAT** shall note the employee's failure to sign or initial in the "Remarks" section of the form.

© If a test result printed by the **EBT** (see paragraph (7)(a) or (7)(b) of this section) does not match the displayed result, the **BAT** shall note the disparity in the remarks section. Both the employee and the **BAT** shall initial or sign the notation. The test is invalid and the City and employee shall be so advised.

(d) The **BAT** shall conduct an air blank. If the reading is greater than 0.00, the test is invalid.

(9)(a) The **BAT** shall transmit all results to the City in a confidential manner. The Risk Manager or designee shall receive and handle alcohol testing results in a confidential manner. All communications by **BATs** to the City concerning the alcohol testing results of employees shall be to the designated City representative.

(b) Such communication may be in writing, in person or by telephone or electronic means, but the **BAT** shall ensure immediate communication to the City of the results that require the City to prevent the employee from performing a safety-sensitive function.

© If the initial communication is not in writing, the City shall establish a mechanism to verify the identity of the **BAT** providing the information.

(d) If the initial communication is not in writing, the **BAT** shall follow the initial communication by providing to the City the City's copy of the breath alcohol testing form. The City shall store the information so as to ensure that confidentiality is maintained.

D. Refusals to Test and Uncompleted Tests.

(1) Refusal by an employee to complete and sign the breath alcohol testing form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the **BAT** in the remarks section of the form. The testing process shall be terminated and the **BAT** shall immediately notify the City.

(2) If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the **BAT** shall, if practicable, begin a new screening or confirmation test, as applicable, using a new breath alcohol testing form with a new sequential test number.

E. Inability to Provide an Adequate Amount of Breath

(1) This section sets forth procedures to be followed in any case in which an employee is unable, or alleges that he or she is unable, to provide an amount of breath sufficient to permit a valid breath test because of a medical condition.

(2) The **BAT** shall again instruct the employee to attempt to provide an adequate amount of breath. If the employee refuses to make the attempt, the **BAT** shall immediately inform the City.

(3) If the employee attempts and fails to provide an adequate amount of breath, the **BAT** shall so note in the "Remarks" section of the breath alcohol testing form and immediately inform the City.

(4) If the employee attempts and fails to provide an adequate amount of breath, the City shall direct the employee to obtain, as soon as practical after the attempted provision of breath, an evaluation from the City's Occupational Medical Specialist concerning the employee's medical ability to provide an adequate amount of breath.

(i) If the City's Occupational Medical Specialist determines, in his or her reasonable medical judgment, that a medical condition has, or with a high degree of probability, could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. The City's Occupational Medical Specialist shall provide to the City a written statement of the basis for his or her conclusion.

(ii) If the City's Occupational Medical Specialist, in his or her reasonable medical judgment, is unable to make the determination set forth herein, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal to take a test. The City's Occupational Medical Specialist shall provide a written statement of the basis for his or her conclusion to the City.

F. Invalid Tests. A breath alcohol test shall be invalid under the following circumstances:

(1) The next external calibration check of an **EBT** produces a result that differs by more than the tolerance stated in the **QAP** from the known value of the test standard. In this event, every test result of 0.02 or above obtained on the device since the last valid external calibration check shall be invalid;

(2) The **BAT** does not observe the minimum 15-minute waiting period prior to the confirmation test;

(3) The **BAT** does not perform an air blank of the **EBT** before a confirmation test, or an air blank does not result in a reading of 0.00 prior to or after the administration of the test;

(4) The **BAT** does not sign the required form;

(5) The **BAT** has failed to note on the remarks section of the form that the employee has failed or refused to sign the form following the recording or printing on or attachment to the form of the test result;

(6) An **EBT** fails to print a confirmation test result; or

(7) On a confirmation test and, where applicable, on a screening test, the sequential test number or alcohol concentration displayed on the **EBT** is not the same as the sequential test number or alcohol concentration on the printed result.

9. Specimen Collection Procedures for Testing Controlled Substances

A. Urine Specimen Collection: All specimens shall be collected at Gould Medical Foundation or Memorial Hospital, unless otherwise approved by the City's Risk Manager. The following procedures shall be followed:

(1) The actual collection site shall be a location having an enclosure with which private urination can occur, a toilet for completion of urination, and a suitable clean surface for writing. The site shall also have a source of water for washing hands, which, if practicable, shall be external to the enclosure where urination occurs.

(2) The collection site shall be secure.

(3) No unauthorized personnel shall be permitted in any part of the designated collection site where urine specimens are collected or stored.

(4) Collection of urine specimens shall allow individual privacy, unless there is reason to believe that an employee may alter or substitute the specimen provided.

(5) For purposes of this section, the following circumstances are the exclusive grounds constituting a reason to believe that the employee may alter or substitute the specimen.

(a) The employee has presented a urine specimen that falls outside the normal temperature range (32.5° - 37.7°C/90.5°-99.8°F), and

(l) The employee declines to provide a measurement of oral body temperature; or

(ii) Oral body temperature varies by more than 1°C/1.8°F from the temperature of the specimen;

(b) The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L;

© The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.); or

(d) The employee has previously been determined to have used a controlled substance without medical authorization and the particular test was being conducted under a **DOT** agency regulation providing for follow-up testing upon or after return to duty.

(6) A higher-level supervisor of the collection site person, or the City's Risk Manager, shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based upon the circumstances described herein.

(7) The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

(a) To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in toilet tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue. Where practicable, there shall be no other source of water in the enclosure where urination occurs. If there is another source of water in the enclosure it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.

(b) When an individual arrives at the collection site, the collection site person shall ensure that the individual is positively identified as the employee selected for testing (e.g., through presentation of photo

identification or identification by the City's representative). If the individual's identity cannot be established, the collection site person shall not proceed with the collection.

© The collection site person shall ask the employee to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the employee's urine specimen. The collection site person shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The employee may retain his or her wallet.

(d) The employee shall be instructed to wash and dry his or her hands prior to urination.

(e) After washing hands, the employee shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials which could be used to adulterate the specimen.

(f) The employee may provide his/her specimen in the privacy of a stall or otherwise partitioned area that allows for employee privacy. The collection site person shall provide the employee with a specimen bottle or collection container, if applicable, for this purpose.

(g) The collection site person shall note any unusual behavior or appearance on the urine custody and control form.

(h) The collection site person shall instruct the employee to provide at least 45 ml of urine under the split sample method of collection.

(i) The donor shall urinate into a collection container or a specimen bottle capable of holding at least 60 ml.

(j) If a collection container is used, the collection site person, in the presence of the donor, pours the urine into two specimen bottles. Thirty (30) ml shall be poured into one bottle, to be used as the

primary specimen. At least 15 ml shall be poured into the other bottle, to be used as the split specimen.

(k) If a single specimen bottle is used as a collection container, the collection site person shall pour 30 ml of urine from the specimen bottle into a second specimen bottle (to be used as the primary specimen) and retain the remainder (at least 15 ml) in the collection bottle (to be used as the split specimen).

(l) Both bottles shall be shipped in a single shipping container, together with copies 1, 2, and the split specimen copy of the chain of custody form, to the laboratory.

(m) If the test result of the primary specimen is positive, the employee may request that the **MRO** direct that the split specimen be tested at the employee's expense in a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The **MRO** shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.

(n) When the **MRO** informs the laboratory in writing that the employee has requested a test of the split specimen, the laboratory shall forward to a different DHHS-approved laboratory, the split specimen bottle, with seal intact, a copy of the **MRO** request, and the split specimen copy of the chain of custody form with appropriate chain of custody entries.

(o) The result of the test of the split specimen is transmitted by the second laboratory to the **MRO**.

(p) Action required by this Policy and Procedure as the result of a positive drug test (e.g., removal from performing a safety-sensitive function) is not stayed pending the result of the rest of the split specimen.

(q) If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary

specimen, the **MRO** shall cancel the test, and report the cancellation and the reasons for it to the **DOT**, the City, and the employee.

(r) Upon receiving the specimen from the employee, the collection site person shall determine if it has at least 30 milliliters of urine for the primary or single specimen bottle and, an additional 15 ml of urine for the split specimen bottle. If the employee is unable to provide such a quantity of urine, the collection site person shall instruct the employee to drink not more than 24 ounces of fluids and, after a period of up to two hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded. If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the City so notified. The **MRO** shall refer the employee for a medical evaluation to develop pertinent information concerning whether the employee's inability to provide a specimen is genuine or constitutes a refusal to test. (In pre-employment testing, if the City does not wish to hire the employee, the **MRO** is not required to make such a referral.) Upon completion of the examination, the **MRO** shall report his or her conclusions to the City in writing.

(s) After the specimen has been provided and submitted to the collection site person, the employee shall be allowed to wash his or her hands.

(t) Immediately after the specimen is collected, the collection site person shall measure the temperature of the specimen. The temperature measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure is critical and in no case shall exceed 4 minutes.

(u) A specimen temperature outside the range of 32.5° - 37.7° C/90.5 °F-99.8°F constitutes a reason to believe that the employee has altered or substituted the specimen. In such cases, the employee supplying the specimen may volunteer to have his or her oral

temperature taken to provide evidence to counter the reason to believe the employee may have altered or substituted the specimen.

(v) Immediately after the specimen is collected, the collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the urine custody and control form.

(w) All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.

(x) Whenever there is reason to believe that a particular employee has altered or substituted the specimen as described in paragraph A(5)(a)(i), (ii) or (iii) of this section, a second specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person.

(y) Both the employee being tested and the collection site person shall keep the specimen in view at all times prior to its being sealed and labeled. As provided below, the specimen shall be sealed (by placement of a tamper proof seal over the bottle cap and down the sides of the bottle) and labeled in the presence of the employee. If the specimen is transferred to a second bottle, the collection site person shall request the employee to observe the transfer of the specimen and the placement of the tamper proof seal over the bottle cap and down the sides of the bottle.

(z) The collection site person and the employee being tested shall be present at the same time during procedures outlined in paragraphs A(7)(t) - (7)(v) of this section.

(aa) The collection site person shall place securely on the bottle an identification label which contains the date, the employee's specimen number, and any other identifying information provided or required by the City. If separate from the label, the tamper proof seal shall also be applied.

(ab) The employee shall initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from him or her.

(ac) The collection site person shall enter on the drug testing custody and control form all information identifying the specimen. The collection site person shall sign the drug testing custody and control form certifying that the collection was accomplished according to the applicable Federal requirements.

(ad)(I) The employee shall be asked to read and sign a statement on the drug testing custody and control form certifying that the specimen identified as having been collected from him or her is in fact the specimen he or she provided.

(ad)(ii) When specified by DOT agency regulation or required by the collection site (other than an employer site) or by the laboratory, the employee may be required to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances, and release of the results to the employer. The employee may not be required to waive liability with respect to negligence on the part of any person participating in the collection, handling or analysis of the specimen or to indemnify any person for the negligence of others.

(ae) The collection site person shall complete the chain of custody portion of the drug testing custody and control form to indicate receipt of the specimen from the employee and shall certify proper completion of the collection.

(af) The urine specimen and chain of custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, the collection site person shall ensure that it is appropriately safeguarded during temporary storage.

(ag)(I) While any part of the above chain of custody procedures is being performed, it is essential that the urine specimen and custody documents be under the control of the involved collection site person.

If the involved collection site person leaves his or her work station momentarily, the collection site person shall take the specimen and drug testing custody and control form with him or her or shall secure them. After the collection site person returns to the work station, the custody process will continue. If the collection site person is leaving for an extended period of time, he or she shall package the specimen for mailing before leaving the site.

(ag)(ii) The collection site person shall not leave the collection site in the interval between presentation of the specimen by the employee and securement of the sample with an identifying label bearing the employee's specimen identification number (shown on the urine custody and control form) and seal initialed by the employee. If it becomes necessary for the collection site person to leave the site during this interval, the collection shall be nullified and (at the election of the employer) a new collection begun.

- B. Chain-of-custody:** A chain-of-custody form shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose shall be documented on the form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.

10. Testing Methodology

- A. Appropriate Laboratory:** The City shall utilize PharmChem Laboratories, Inc., Menlo Park, CA for processing all controlled substance tests.

B. Initial Test

(1) The initial test shall use an immunoassay which meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs:

Marijuana metabolites..... ~~400~~ 50 ng/ml

Cocaine metabolites.....	300 ng/ml
Opiate metabolites.....	*300 ng/ml
Phencyclidine.....	25 ng/ml
Amphetamines.....	1,000 ng/ml

*25 ng/ml if immunoassay specific for free morphine.

(2) These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

C. Confirmatory test

(1) All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff levels listed in this paragraph for each drug. All confirmations shall be by quantitative analysis. Concentrations that exceed the linear region of the standard curve shall be documented in the laboratory record as "greater than highest standard curve value."

Marijuana metabolite ¹	15 ng/ml
Cocaine metabolite ²	150 ng/ml
Opiates:	
Morphine.....	300 ng/ml
Codeine.....	300 ng/ml
Phencyclidine....	25 ng/ml
Amphetamines:	
Amphetamine.....	500 ng/ml
Methamphetamine...	500 ng/ml

¹Delta-9-tetrahydrocannabinol-9-carboxylic acid.

²Benzoyl ecgonine.

(2) These cutoff levels are subject to change by the Department of Health and Human Services as advances in technology or other

considerations warrant identification of these substances at other concentrations.

D. Reporting of Test Results

(1) The laboratory shall report test results to the City's Medical Review Officer within an average of five (5) working days after receipt of the specimen by the laboratory. Before any test result is reported (the results of initial tests, confirmatory tests, or quality control data), it shall be reviewed and the test certified as an accurate report by the responsible laboratory personnel. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the City, and the drug testing laboratory specimen identification number (accession number).

(2) The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported positive for a specific drug.

(3) The Medical Review Officer may request from the laboratory and the laboratory shall provide quantitation of test results. The **MRO** shall report whether the test is positive or negative, and may report the drug(s) for which there was a positive test, but shall not disclose the quantitation of test results to the City.

(4) The laboratory may transmit results to the Medical Review Officer by various electronic means (for example, teleprinters, facsimile, or computer) in a manner designed to ensure confidentiality of the information. Results may not be provided verbally by telephone. The laboratory and City must ensure the security of the data transmission and limit access to any data transmission, storage, and retrieval system.

(5) The laboratory shall send only to the Medical Review Officer the original or a certified true copy of the drug testing custody and control form (part 2), which, in the case of a report positive for drug use, shall be signed (after the required certification block) by the individual

responsible for day-to-day management of the drug testing laboratory of the individual responsible for attesting to the validity of the test reports, and attached to which shall be a copy of the test report.

(6) The laboratory shall provide to the City's Risk Manager a monthly statistical summary of urinalysis testing of the City's employees and shall not include in the summary any personal identifying information. Initial and confirmation data shall be included from test results reported within that month. Normally this summary shall be forwarded by registered or certified mail not more than 14 calendar days after the end of the month covered by the summary. The summary shall contain the following information:

(I) Initial Testing:

(A) Number of specimens received;

(B) Number of specimens reported out; and

© Number of specimens screened positive for:

Marijuana metabolites
Cocaine metabolites
Opiate metabolites
Phencyclidine
Amphetamine

(ii) Confirmatory Testing:

(A) Number of specimens received for confirmation;

(B) Number of specimens confirmed positive for:

Marijuana metabolite
Cocaine metabolite
Morphine, codeine
Phencyclidine

Amphetamine
Methamphetamine

Monthly reports shall not include data from which it is reasonably likely that information about individuals' tests can be readily inferred. If necessary, in order to prevent the disclosure of such data, the laboratory shall not send a report until data are sufficiently aggregated to make such an inference unlikely. In any month in which a report withheld for this reason, the laboratory will so inform the employer in writing.

(7) Unless otherwise instructed by the City in writing, all records pertaining to a given urine specimen shall be retained by the drug testing laboratory for a minimum of 2 years.

E. Specimen Retention

Long-term frozen storage (-20°C or less) ensures that positive urine specimens will be available for any necessary retest during administrative or disciplinary proceedings. Drug testing laboratories shall retain and place in properly secured long-term frozen storage for a minimum of two (2) years all specimens confirmed positive, in their original labeled specimen bottles. Within this two-year period, may request the laboratory to retain the specimen for an additional period of time, but if no such request is received the laboratory may discard the specimen after the end of two (2) years, except that the laboratory shall be required to maintain any specimens known to be under legal challenge for an indefinite period.

11. Test Results

A. Medical Review Officer Duties and Qualifications

(1) An essential part of the drug testing program is the final review of confirmed positive results from the laboratory. A positive test result does not automatically identify an employee/applicant as having used drugs in violation of this Policy and Procedure. An individual with a detailed

knowledge of possible alternate medical explanations is essential to the review of results. This review shall be performed by the Medical Review Officer prior to the transmission of the results to the City. The **MRO** review shall include review of the chain of custody to ensure that it is complete and sufficient on its face.

(2.) The role of the **MRO** is to review and interpret confirmed positive test results obtained through the employer's testing program. In carrying out this responsibility, the **MRO** shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's

B. Positive Test Results

(1) Prior to making a final decision to verify a positive test result for an individual, the **MRO** shall give the employee an opportunity to discuss the test result with him or her.

(2) The **MRO** shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test result. A staff person under the **MRO**'s supervision may make the initial contact, and a medically licensed or certified staff person may gather information from the employee. Except as provided in paragraph (B)(5) of this section, the **MRO** shall talk directly with the employee before verifying a test as positive.

(3) If, after making all reasonable efforts and documenting them, the **MRO** is unable to reach the individual directly, the **MRO** shall contact a designated City official who shall direct the individual to contact the **MRO** as soon as possible. If it becomes necessary to reach the individual through the designated management official, the designated management official shall employ procedures that ensure, to the maximum extent practicable, the requirement that the employee contact the **MRO** is held in confidence.

(4) If, after making all reasonable efforts, the designated City official is unable to contact the employee, the City may place the employee on leave without pay.

(5) The **MRO** may verify a test as positive without having communicated directly with the employee about the test in three circumstances:

(i) The employee expressly declines the opportunity to discuss the test;

(ii) The designated City representative has successfully made and documented a contact with the employee and instructed the employee to contact the **MRO** (see paragraphs (c)(3) and (4) of this section), and more than five (5) days have passed since the date the employee was successfully contacted by the designated City representative; or

(iii) Other circumstances provided for in **DOT** agency drug testing regulations.

(6) If a test is verified positive under the circumstances specified in paragraphs (B)(5)(ii) of this section, the employee may present to the **MRO** information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from timely contacting the **MRO**. The **MRO**, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the **MRO** concludes that there is a legitimate explanation, the **MRO** declares the test to be negative.

(7) Following verification of a positive test result, the **MRO** shall refer the employee to the City's employee assistance program and notify the City's Risk Manager of the test results.

C. Verification for Opiates; Review for Prescription Medication.

(1) Before the **MRO** verifies a confirmed positive result for opiates, he or she shall determine that there is clinical evidence - in addition to the urine test - of unauthorized use of any opium, opiate, or opium derivative (e.g., morphine/codeine). (This requirement does not apply if the City's GC/MS confirmation testing for opiates confirms the presence of 6-monoacetylmorphine.)

(2) The **MRO** shall notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen, if the test is verified as positive. If the employee requests an analysis of the split specimen within 72 hours of having been informed of a verified positive test, the **MRO** shall direct, in writing, the laboratory to provide the split specimen to another DHHS-certified laboratory for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the **MRO** shall cancel the test and report cancellation and the reasons for it to the **DOT**, the City, and the employee.

(3) If an employee has not contacted the **MRO** within 72 hours, the employee may present to the **MRO** information documenting that serious illness, injury, inability to contact the **MRO**, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the **MRO**. If the **MRO** concludes that there is a legitimate explanation for the employee's failure to contact the **MRO** within 72 hours, the **MRO** shall direct that the reanalysis of the primary specimen or analysis of the split specimen, as applicable, be performed.

D. Disclosure of information. Except as provided in this paragraph, the **MRO** shall not disclose to any third party medical information provided by the individual to the **MRO** as a part of the testing verification process.

(1) The **MRO** may disclose such information to the City, a **DOT** agency or other Federal safety agency, or a physician responsible for determining the medical qualification of the employee under an applicable **DOT** agency regulation, as applicable, only if -

(i) An applicable **DOT** regulation permits or requires such disclosure;

(ii) In the **MRO's** reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable **DOT** agency rule; or

(iii) In the **MRO's** reasonable medical judgment, in a situation in which there is no **DOT** agency rule establishing physical qualification standards applicable to the employee, the information indicates that continued performance by the employee of his or her safety-sensitive function could pose a significant safety risk.

(2) Before obtaining medical information from the employee as part of the verification process, the **MRO** shall inform the employee that information may be disclosed to third parties as provided in this paragraph and the identity of any parties to whom information may be disclosed.

12. Confidentiality and Record keeping

A. Confidentiality and Access to Records

(1) Laboratory reports or test results shall not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical file that will be securely kept under the control of the Personnel Director. The reports or test results shall be disclosed to City management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the City and employee; (3) the information is to be used in administering an employee benefit plan; or (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

(2)(a) Except as required by law or expressly authorized or required in this section, the City shall not release driver information that is contained in records required to be maintained by this Policy and Procedure.

(b) An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including any records pertaining to his or her alcohol or controlled substances tests. The City shall promptly provide the records requested by the employee.

(c) The City shall make available copies of all results for City alcohol and/or controlled substances testing conducted under this Policy and Procedure and any other information pertaining to the City's alcohol misuse and/or controlled substances use prevention program, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the City.

(d) When requested by the National Transportation Safety Board as part of an accident investigation, the City shall disclose information related to the City's administration of a post-accident alcohol and/or controlled substance test administered following the accident under investigation.

(e) Records shall be made available to a subsequent employer upon receiving a written request from a former employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the former employee's request.

(f) The City may disclose information required to be maintained under this Policy and Procedure pertaining to an employee, the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or controlled substance test administered under this part, or from the City's determination that the employee engaged in conduct prohibited by this Policy and Procedure (including, but not limited to, a workers' compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee).

(g) The City shall release information regarding an employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

B. Maintenance and Retention of Records

(a) **General Requirement.** The City shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in

this section. The records shall be maintained in a secure location with controlled access.

(b) **Period of Retention.** The City shall maintain the records in accordance with the following schedule:

(1) **Five years.** The following records shall be maintained for a minimum of five (5) years:

(i) Records of employee alcohol test results with results indicating an alcohol concentration of 0.02 or greater,

(ii) Records of employee verified positive controlled substances test results,

(iii) Documentation of refusals to take required alcohol and/or controlled substances tests,

(iv) Calibration documentation,

(v) Employee evaluation and referrals shall be maintained for a minimum of five (5) years, and

(vi) A copy of each annual calendar year summary.

(2) **Two years.** Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices) and training shall be maintained for a minimum of two (2) years.

(3) **One year.** Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one (1) year.

© **Types of records.** The following specific records shall be maintained.

(1) Records related to the collection process:

(i) Collection logbooks, if used;

- (ii) Documents relating to the random selection process;
- (iii) Calibration documentation for evidential breath testing devices;
- (iv) Documentation of breath alcohol technician training;
- (v) Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests;
- (vi) Documents generated in connection with decisions on post-accident tests;
- (vii) Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing; and
- (viii) Consolidated annual calendar year summaries.

(2) Records related to an employee's results:

- (i) The City's copy of the alcohol test form, including the results of the test;
- (ii) The City's copy of the controlled substances test chain of custody and control form;
- (iii) Documents sent by the **MRO** to the City.
- (iv) Documents related to the refusal of any employee to submit to an alcohol or controlled substances test required by this Policy and Procedure; and
- (v) Documents presented by an employee to dispute the result of an alcohol or controlled substances test administered under this Policy and Procedure.

(3) Records related to other violations of this Policy and Procedure.

(4) Records related to evaluations:

- (I) Records pertaining to a determination by a substance abuse professional concerning an employee's need for assistance; and
- (ii) Records concerning an employee's compliance with recommendations of the substance abuse professional.

(5) Records related to education and training:

- (I) Materials on alcohol misuse and controlled substance use awareness, including a copy of the City's Policy on alcohol misuse and controlled substance use;
- (ii) Documentation of compliance with the requirement to establish this Policy and Procedure, including the employee's signed receipt of education materials;
- (iii) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion; and
- (iv) Certification that any training conducted under this part complies with the requirements for such training.

(6) Records related to drug testing:

- (I) Agreements with collection site facilities, laboratories, medical review officers, and consortia;
- (ii) Names and positions of officials and their role in the City's alcohol and controlled substances testing program(s);
- (iii) Monthly laboratory statistical summaries of urinalysis; and
- (iv) The City's drug testing policy and procedures.

13. Employee Assistance Program (EAP)

(1) The City has established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors, the EAP provider (Family Service Agency), or the City's Employee Benefits Coordinator for additional information. In lieu of the EAP, sworn police employees may seek assistance or referral from the department's contracting psychologist.

(2) Employees who think they may have an alcohol or drug usage problem are urged to seek voluntarily confidential assistance from the Employee Assistance Program or other available resources. Employees who voluntarily come forward and seek assistance will not be disciplined solely for having or admitting a drug or alcohol problem. The City considers employees' voluntary pursuit of such assistance and treatment preferable to ongoing performance problems caused by such dependency. Voluntary seeking of treatment shall not provide immunity from disciplinary actions which were proposed or in process. However, action on related problems may be postponed pending successful resolution of the usage problem. Successful completion of a drug or alcohol treatment program shall be considered when determining disciplinary actions. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those who continue to be substance abusers and do not voluntarily seek help or continue substance abuse even while enrolled in counseling or rehabilitation programs.

(3) The Family Service Agency shall provide **SAP** services for the City.

(4) Each employee who engages in conduct prohibited by this Policy and Procedure shall be evaluated by a **SAP** who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.

(5)(a) Before an employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this Policy and Procedure, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct

involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance.

(b) In addition, each employee identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use,

(i) shall be evaluated by a **SAP** to determine that the driver has properly followed any rehabilitation program prescribed under, and

(ii) shall be subject to unannounced follow-up alcohol and controlled substances tests administered by the City following the employee's return to duty. The number and frequency of such follow-up testing shall be as directed by the **SAP**, and consist of at least six (6) tests in the first 12 months following the employee's return to duty. The City may direct the employee to undergo **return-to-duty** and follow-up testing for both alcohol and controlled substances, if the **SAP** determines that **return-to-duty** and **follow-up** testing for both alcohol and controlled substances is necessary for that particular employee. **Follow-up** testing shall not exceed 60 months from the date of the employee's return to duty. The **SAP** may terminate the requirement for **follow-up** testing at any time after the first six (6) tests have been administered, if the **SAP** determines that such testing is no longer necessary.

14. **Effects of Alcohol and Drug Use**

Refer to attached Appendix C for specific facts about the effects of alcohol and controlled substances.

15. **Discipline**

- A. Refusal to submit to an alcohol and/or controlled substance test when directed by management staff shall constitute insubordination and may be grounds for discipline up to and including termination.
- B. The controlled substances and/or alcohol test may screen for any substance which could impair an employee's ability to perform effectively and safely the functions of the job, including, but not limited to, prescription medications,

alcohol, heroin, cocaine, opiates, phencyclidine, methadone, barbiturates, amphetamines, marijuana and other cannabinoids.

- C. In addition to action taken under Section 5, B **Disqualification**, a positive result from a controlled substance and/or alcohol may result in disciplinary action, up to and including termination.
- D. ~~If an alcohol or controlled substance test is positive, the employee shall be placed on paid administrative leave not to exceed three (3) work days. Subsequent to the third day, the employee shall be placed on leave without pay. The City shall conduct an investigation to gather all facts and determine appropriate disciplinary action. Discipline imposed shall be in conformance with the applicable Rules, Personnel Administrative Orders and Memoranda of Understanding.~~

If an alcohol or controlled substance test is positive, the employee shall be placed on leave. The employee, at his/her discretion, may use any accrued vacation, holiday or compensating time-off or, if no such accrued leave is available, shall be placed on leave without pay. Sworn-employees shall be placed on administrative leave or re-assigned to a non-safety sensitive position at the discretion of the Chief of Police. The employee shall remain on such leave until:

1. The employee is released by the **SAP** to take a **return-to-duty** test and the employee obtains a negative test result; or,
2. the **SAP** determines that the employee requires outpatient treatment, and modified duty is not available. The employee shall continue on leave until released by the **SAP** to take a **return-to-duty** test and the employee obtains a negative test result. During this time, the employee may also use any accrued sick leave; or,
3. the **SAP** determines that the employee requires inpatient treatment. The employee shall continue on leave until the employee completes the treatment AND the employee is released by the **SAP** to take a **return-to-duty** test and the employee obtains a negative test result. During this time, the employee may also use any accrued sick leave.

The City shall conduct an investigation to gather all facts and determine appropriate disciplinary action, taking into consideration any leave without pay. Discipline imposed shall be in conformance with the applicable Rules, Personnel Administrative Orders and Memoranda of Understanding.

- E. An employee may request a representative be available and present prior to any meeting which the employee believes may reasonably result in a disciplinary action. The supervisor or manager shall allow the employee access to a telephone, radio or other means of contacting a representative. The representative must be available and present within a reasonable time frame from the time of the request.
- F. When considering disciplinary action for a controlled substance or alcohol abuse related problem, the Department Head or designee may consider successful completion of a recognized substance abuse program as a potential mitigating factor. Disciplinary actions may be reduced or postponed pending continued successful rehabilitation efforts. In modifying an action, the Department may require controlled substance **follow-up** testing on demand as a condition of modifying, delaying or overturning a proposed disciplinary action.

16. Blind Performance Test Procedures

The City shall submit three blind performance test specimens for each 100 employee specimens it submits, up to a maximum of 100 blind performance test specimens submitted per quarter.

17. Management Information Systems

By March 15 of each year, the City shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing programs performed under this Policy and Procedure.

APPENDICES

- A. Reasonable Suspicion Test Memorandum
- B. U.S. Department of Transportation (DOT) Breath Alcohol Testing Form
- C. Fact Sheets
- D. Employee Acknowledgment Form

Appendix A: Reasonable Suspicion Test Memorandum

CITY OF MODESTO

MEMORANDUM

TO: _____ Date: _____

FROM: _____ Time: _____

SUBJECT: Reasonable Suspicion Test

You are hereby directed to submit to a controlled substance and an alcohol test. You are being directed to submit to the test because I suspect you are under the influence of alcohol or drugs so that your ability to perform the functions of your job efficiently and safely is impaired. I observed or have information regarding the following:

- ___ Odor of alcoholic beverage on breath
- ___ Slurred and/or thick speech
- ___ Staggered gait (Unsteady walking and movement)
- ___ Vertical and/or horizontal nystagmus
- ___ Abnormally constricted pupils (below 2.5 mm) which are non-responsive to light
- ___ Abnormally dilated pupils (above 6.5 mm) which are non-responsive to light
- ___ Loss of attention span under controlled conditions
- ___ Inability to comprehend under controlled conditions
- ___ Hallucinating
- ___ An accident involving City property, where there is reason to believe that employee impairment may have been a factor
- ___ Possession of alcohol on the job
- ___ Possession of an illegal drug
- ___ Possession of a prescription drug without a valid prescription
- ___ Objective symptoms of drug usage identified by a trained medical practitioner or law enforcement officer
- ___ Other _____

This/these were observed by _____ at _____.

You will be transported to Gould Medical Foundation for testing.

At the test site, you will be required to provide a urine sample for controlled substance testing and perform a breath alcohol test. If you refuse to submit to the testing, you may be disciplined, up to and including termination and your refusal will be deemed to constitute a positive result. If you leave the worksite or testing site without my permission prior to testing or evaluation, you may be disciplined. Because I believe your ability to drive may be impaired, I will arrange for you to be transported home at an appropriate time.

Employees who think they may have an alcohol or drug usage problem are urged to seek voluntarily confidential assistance from the Employee Assistance Program or other available resources. Employees who voluntarily come forward and seek assistance will not be disciplined solely for having or admitting a drug or alcohol problem. The City considers employees' voluntary pursuit of such assistance and treatment preferable to ongoing performance problems caused by such dependency. Voluntary seeking of treatment shall not provide immunity from disciplinary actions which were proposed or in process. However, action on related problems may be postponed pending successful resolution of the usage problem. Successful completion of a drug or alcohol treatment program shall be considered when determining disciplinary actions. While the City will be supportive of those who seek help voluntarily, the City will be equally firm in identifying and disciplining those who continue to be substance abusers and do not voluntarily seek help or continue substance abuse even while enrolled in counseling or rehabilitation programs.

U.S. Department of Transportation (DOT) Breath Alcohol Testing Form

[THE INSTRUCTIONS FOR COMPLETING THIS FORM ARE ON THE BACK OF COPY 3]

▶ **STEP 1: TO BE COMPLETED BY BREATH ALCOHOL TECHNICIAN**

A. Employee Name _____	(PRINT) (First, M.I., Last)
B. SSN or Employee ID No. _____	
C. Employer Name, _____	
Address, & _____	
Telephone No. _____	
() Telephone Number	
D. Reason for Test: <input type="checkbox"/> Pre-employment <input type="checkbox"/> Random <input type="checkbox"/> Reasonable Suspicion/Cause <input type="checkbox"/> Post-accident <input type="checkbox"/> Return to Duty <input type="checkbox"/> Follow-up	

▶ **STEP 2: TO BE COMPLETED BY EMPLOYEE**

<i>I certify that I am about to submit to breath alcohol testing required by U.S. Department of Transportation regulations and that the identifying information provided on this form is true and correct.</i>	
_____	Date / /
Signature of Employee	Month Day Year

STEP 3: TO BE COMPLETED BY BREATH ALCOHOL TECHNICIAN

<i>I certify that I have conducted breath alcohol testing on the above named individual in accordance with the procedures established in the U.S. Department of Transportation regulation, 49 CFR Part 40, that I am qualified to operate the testing devices identified, and that the results are as recorded.</i>					
Screening test:		Complete <u>only</u> if the testing device is not designed to <u>print</u> the following.			
Test No.	Testing Device Name	Testing Device Serial Number	Time	AM PM	Result
Confirmation test:		Confirmation test results <u>MUST</u> be affixed to the back of each copy of this form.			
Remarks: _____					

(PRINT) Breath Alcohol Technician's Name (First, M.I., Last)		Signature of Breath Alcohol Technician	Date / /		
			Month	Day	Year

▶ **STEP 4: TO BE COMPLETED BY EMPLOYEE**

<i>I certify that I have submitted to breath alcohol testing and the results are as recorded on this form. I understand that I must not drive, perform safety-sensitive duties, or operate heavy equipment if the results are 0.02 or greater.</i>	
_____	Date / /
Signature of Employee	Month Day Year

Appendix C: Fact Sheet

Drug Detection Periods

Detection periods vary; rates of metabolism and excretion are different for each drug and use. Detection periods should be viewed as estimates. Cases can always be found to contradict these approximations.

Drug	Detection Period
Amphetamines	
Amphetamine	2-4 days
Methamphetamine	2-4 days
Cocaine	
Benzoyllecgonine	12-72 hours
Cannabinoids (Marijuana)	
Casual Use	2-7 days
Chronic Use	Up to 30 days
Ethanol (Alcohol)	12-24 hours
Opiates	
Codeine	2-4 days
Hydromorphone (Dilaudid)	2-4 days
Morphine (for Heroin)	2-4 days
Phencyclidine (PCP)	
Casual Use	2-7 days
Chronic Use	Up to 30 days

Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Amphetamine Fact Sheet

Amphetamines are central nervous system stimulants that speed up the mind and body. The physical sense of energy at lower doses and the mental exhilaration at higher doses are the reasons for their abuse. Although widely prescribed at one time for weight reduction and mood elevation, the legal use of amphetamines is now limited to a very narrow range of medical conditions. Most amphetamines that are abused are illegally manufactured in foreign countries and smuggled into the U.S. or clandestinely manufactured in crude laboratories.

Description

- Amphetamine is sold in counterfeit capsules or as white, flat, double-scored “mini-bennies.” It is usually taken by mouth.
- Methamphetamine is often sold as a creamy white and granular powder or in lumps and is packaged in aluminum foil wraps or sealable plastic bags. Methamphetamine may be taken orally, injected, or snorted into the nose.
- Trade/street names include Biphphetamine, Delcobese, Desotyn, Detedrine, Chetrol, Ritalin, Speed, Meth, Crank, Crystal, Monster, Black Beauties, and Rits.

Signs and Symptoms of Use

- Hyperexcitability, restlessness
- Dilated pupils
- Increased heart rate and blood pressure
- Heart palpitations and irregular beats
- Profuse sweating
- Rapid respiration
- Confusion
- Panic
- Talkativeness
- Inability to concentrate
- Heightened aggressive behavior.

Health Effects

- Regular use produces strong psychological dependence and increasing tolerance to drug.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to spiking of blood pressure.
- Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels.

- The euphoric stimulation increases impulsive and risk-taking behaviors, including bizarre and violent acts.
- Withdrawal from the drug may result in severe physical and mental depression.

Workplace Issues

- Since amphetamines alleviate the sensation of fatigue, they may be abused to increase alertness because of unusual overtime demands or failure to get rest.
- Low-dose amphetamine use will cause a short-term improvement in mental and physical functioning. With greater use or increasing fatigue, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression, which may make operation of equipment or vehicles dangerous.

Cocaine Fact Sheet

Cocaine is used medically as a local anesthetic. It is abused as a powerful physical and mental stimulant. The entire central nervous system is energized. Muscles are more tense, the heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Description

- The source of cocaine is the coca bush, grown almost exclusively in the mountainous regions of northern South America.
- Cocaine Hydrochloride—“snorting coke” is a white to creamy granular or lumpy powder that is chopped into a fine powder before use. It is snorted into the nose, rubbed on the gums, or injected in veins. The effect is felt within minutes and lasts 40 to 50 minutes per “line” (about 60 to 90 milligrams). Common paraphernalia include a single-edged razor blade and a small mirror or piece of smooth metal, a half straw or metal tube, and a small screw cap vial or folded paper packet containing the cocaine.
- Cocaine Base—a small crystalline rock about the size of a small pebble. It boils at a low temperature, is not soluble in water, and is up to 90 percent pure. It is heated in a glass pipe and the vapor is inhaled. The effect is felt within seven seconds. Common paraphernalia includes a “crack pipe” (a small glass smoking device for vaporizing the crack crystal) and a lighter, alcohol lamp, or small butane torch for heating.
- Trade/street names include Coke, Rock, Crack, Free Base, Flake, Snow, Smoke, and Blow.

Signs and Symptoms of Use

- Financial problems
- Frequent and extended absences from meetings or work assignment
- Increased physical activity and fatigue
- Isolation and withdrawal from friends and normal activities
- Secretive behaviors, frequent nonbusiness visitors, delivered packages, phone calls
- Unusual defensiveness, anxiety, agitation
- Wide mood swings
- Runny or irritated nose
- Difficulty in concentration
- Dilated pupils and visual impairment
- Restlessness
- Formication (sensation of bugs crawling on skin)
- High blood pressure, heart palpitations, and irregular rhythm
- Hallucinations
- Hyperexcitability and overreaction to stimulus
- Insomnia
- Paranoia and hallucinations
- Profuse sweating and dry mouth
- Talkativeness.

Health Effects

- Research suggests that regular cocaine use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing irreparable damage to critical nerve cells. The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong psychological dependency can occur with one "hit" of crack. Usually, mental dependency occurs within days (crack) or within several months (snorting coke). Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than for other chemical dependencies.
- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention. The number of cocaine overdose deaths has tripled in the last four years.
- Cocaine overdose was the second most common drug emergency in 1986—up from 11th place in 1980.

Workplace Issues

- Extreme mood and energy swings create instability. Sudden noises can cause a violent reaction.
- Lapses in attention and ignoring warning signals greatly increase the potential for accidents.
- The high cost of cocaine frequently leads to workplace theft and/or dealing.
- A developing paranoia and withdrawal create unpredictable and sometimes violent behavior.
- Work performance is characterized by forgetfulness, absenteeism, tardiness, and missed assignments.

Cannabinoids (Marijuana) Fact Sheet

Marijuana is one of the most misunderstood and underestimated drugs of abuse. People use marijuana for the mildly tranquilizing and mood- and perception-altering effects it produces.

Description

- Usually sold in plastic sandwich bags, leaf marijuana will range in color from green to light tan. The leaves are usually dry and broken into small pieces. The seeds are oval with one slightly pointed end. Less prevalent, hashish is a compressed, sometimes tarlike substance ranging in color from pale yellow to black. It is usually sold in small chunks wrapped in aluminum foil. It may also be sold in an oily liquid.
- Marijuana has a distinctly pungent aroma resembling a combination of sweet alfalfa and incense.
- Cigarette papers, roach clip holders, and small pipes made of bone, brass, or glass are commonly found. Smoking "bongs" (large bore pipes for inhaling large volumes of smoke) can easily be made from soft drink cans and toilet paper rolls.
- Trade/street names include Marinol, THC, Pot, Grass, Joint, Reefer, Acapulco Gold, Sinsemilla, Thai Sticks, Hash, and Hash Oil.

Signs and Symptoms of Use

- Reddened eyes (often masked by eyedrops)
- Slowed speech
- Distinctive odor on clothing
- Lackadaisical "I don't care" attitude
- Chronic fatigue and lack of motivation
- Irritating cough, chronic sore throat.

Health Effects

General

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection. The U.S. government is actively researching a possible

connection between marijuana smoking and the activation of AIDS in positive human immunodeficiency virus (HIV) carriers.

Pregnancy Problems and Birth Defects

- The active chemical, tetrahydrocannabinol (THC), and 60 other related chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in sex hormone, testosterone, and an increase in estrogen, the female sex hormone. The result is a decrease in sperm count, which can lead to temporary sterility. Occasionally, the onset of female sex characteristics including breast development occurs in heavy users.
- Chronic smoking of marijuana in females causes a decrease in fertility and an increase in testosterone.
- Pregnant women who are chronic marijuana smokers have a higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life.
- In test animals, THC causes birth defects, including malformations of the brain, spinal cord, forelimbs, and liver and water on the brain and spine.
- Offspring of test animals who were exposed to marijuana have fewer chromosomes than normal, causing gross birth defects or death of the fetus. Pediatricians and surgeons are concluding that the use of marijuana by either or both parents, especially during pregnancy, leads to specific birth defects of the infant's feet and hands.
- One of the most common effects of prenatal cannabinoid exposure is underweight newborn babies.
- Fetal exposure may decrease visual functioning and causes other ophthalmic problems.

Mental Function

Regular use can cause the following effects:

- Delayed decision-making
- Diminished concentration
- Impaired short-term memory, interfering with learning
- Impaired signal detection (ability to detect a brief flash of light), a risk for users who are operating machinery
- Impaired tracking (the ability to follow a moving object with the eyes) and visual distance measurements

- Erratic cognitive function
- Distortions in time estimation
- Long-term negative effects on mental function known as “acute brain syndrome,” which is characterized by disorders in memory, cognitive function, sleep patterns, and physical condition.

Acute Effects

- Aggressive urges
- Anxiety
- Confusion
- Fearfulness
- Hallucinations
- Heavy sedation
- Immobility
- Mental dependency
- Panic
- Paranoid reaction
- Unpleasant distortions in body image.

Workplace Issues

- The active chemical, THC, stores in body fat and slowly releases over time. Marijuana smoking has a long-term effect on performance.
- A 500 to 800 percent increase in THC concentration in the past several years makes smoking three to five joints a week today equivalent to 15 to 40 joints a week in 1978.
- Combining alcohol or other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

Opiates (Narcotics) Fact Sheet

Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and reactions, and, when taken in large doses, cause a strong euphoric feeling.

Description

- Natural and natural derivatives—opium, morphine, codeine, and heroin
- Synthetics—meperidine (Demerol), oxymorphone (Numorphan), and oxycodone (Percodan)
- May be taken in pill form, smoked, or injected, depending upon the type of narcotic used.
- Trade/street names include Smack, Horse, Emma, Big D, Dollies, Juice, Syrup, and China White.

Signs and Symptoms of Use

- Mood changes
- Impaired mental functioning and alertness
- Constricted pupils
- Depression and apathy
- Impaired coordination
- Physical fatigue and drowsiness
- Nausea, vomiting, and constipation
- Impaired respiration.

Health Effects

- IV needle users have a high risk for contracting hepatitis and AIDS due to the sharing of needles.
- Narcotics increase pain tolerance. As a result, people could more severely injure themselves or fail to seek medical attention after an accident due to the lack of pain sensitivity.
- Narcotics' effects are multiplied when used in combination with other depressant drugs and alcohol, causing increased risk for an overdose.

Social Issues

- There are over 500,000 heroin addicts in the U.S.; most of whom are IV needle users.
- An even greater number of medicinal narcotic-dependent persons obtain their narcotics through prescriptions.

- Because of tolerance, there is an ever-increasing need for more narcotic to produce the same effect.
- Strong mental and physical dependency occurs.
- The combination of tolerance and dependency creates an increasing financial burden for the user. Costs for heroin can reach hundreds of dollars a day.

Workplace Issues

- Unwanted side effects such as nausea, vomiting, dizziness, mental clouding, and drowsiness place the legitimate user and abuser at higher risk for an accident.
- Narcotics have a legitimate medical use in alleviating pain. Workplace use may cause impairment of physical and mental functions.

Phencyclidine (PCP) Fact Sheet

Phencyclidine (PCP) was originally developed as an anesthetic, but the adverse side effects prevented its use except as a large animal tranquilizer. Phencyclidine acts as both a depressant and a hallucinogen, and sometimes as a stimulant. It is abused primarily for its variety of mood-altering effects. Low doses produce sedation and euphoric mood changes. The mood can change rapidly from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare with the eyelids half closed. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, extremely violent behavior, and an inability to speak or comprehend communication.

Description

- PCP is sold as a creamy, granular powder and is often packaged in one-inch square aluminum foil or folded paper "packets."
- It may be mixed with marijuana or tobacco and smoked. It is sometimes combined with procaine, a local anesthetic, and sold as imitation cocaine.
- Trade/street names include Angel Dust, Dust, and Hog.

Signs and Symptoms of Use

- Impaired coordination
- Severe confusion and agitation
- Extreme mood shifts
- Muscle rigidity
- Nystagmus (jerky eye movements)
- Dilated pupils
- Profuse sweating
- Rapid heartbeat
- Dizziness.

Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP is potentiated by other depressant drugs, including alcohol, increasing the likelihood of an overdose reaction.
- Misdiagnosing the hallucinations as LSD induced, and then treating with Thorazine, can cause a fatal reaction.
- Use can cause irreversible memory loss, personality changes, and thought disorders.
- There are four phases to PCP abuse. The first phase is acute toxicity. It can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perception are common. The second phase, which

does not always follow the first, is a toxic psychosis. Users may experience visual and auditory delusions, paranoia, and agitation. The third phase is a drug-induced schizophrenia that may last a month or longer. The fourth phase is PCP-induced depression. Suicidal tendencies and mental dysfunction can last for months.

Workplace Issues

- PCP abuse is less common today than in recent years. It is also not generally used in a workplace setting because of the severe disorientation that occurs.

Appendix D: Employee Acknowledgment Form

ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the City's **Alcohol & Drug Testing Policy and Procedure**.

Date

Employee's Signature

Employee's Name (Printed)

Employee's Social Security Number

Please sign and return this card to Risk Management

MODESTO CITY COUNCIL
RESOLUTION NO. 96-717

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO POLICE OFFICERS ASSOCIATION, WHICH COVERS THE FISCAL YEARS 1996-1997, 1997-1998, AND 1998-1999, TO DECEMBER 20, 1999 OF FY 1999-2000.

WHEREAS, the representatives of the City and the Modesto Police Officers Association (MPOA) met and conferred in good faith concerning wages, hours, and other terms and conditions of employment for employees represented by the MPOA which covers the Fiscal Years 1996-1997, 1997-1998, and 1998-1999, to December 20, 1999 of FY 1999-2000.

WHEREAS, the proposed Memorandum of Understanding (MOU) between the City and the MPOA was considered by the Council at its meeting of December 16, 1996,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Memorandum of Understanding between the City of Modesto and the Modesto Police Officers Association for Fiscal Years 1996-1997, 1997-1998, and 1998-1999, to December 20, 1999, of FY 1999-2000, is hereby approved. A copy said MOU 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 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

MODESTO CITY COUNCIL
RESOLUTION NO. 96-718

A RESOLUTION APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF MODESTO AND PURKISS ROSE-RSI FOR THE DESIGN OF A SKATEBOARD PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement for professional services between the City of Modesto and Purkiss Rose-RSI for the design of a skateboard park be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement for professional services 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 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-719

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

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Housing Authority of Stanislaus County for Special Police Services to the Westview Gardens Housing Project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-720

A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF \$42,900 TO FULLY FUND
PURCHASE OF FOUR FLAP GATE CHECK VALVES

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

FROM: 621 480 D321 6040, \$2,900
Variable Speed Influent/Effluent Pumps

TO: 621 480 F720 6070, \$2,900
Effluent Pump Check Valve Replacement

Cost increases during period of performance testing of alternatives.

The foregoing resolution was introduced at a special meeting of the
Council of the City of Modesto held on the 16th day of December, 1996, by
Councilmember Friedman, who moved its adoption, which motion being duly
seconded by Councilmember Dobbs, 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

Clerk

27

MODESTO CITY COUNCIL
RESOLUTION NO. 96-721

A RESOLUTION APPROVING THE FINAL MAP OF THE NOTTINGHAM PLACE PHASE 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Stewart W. Bradley and Betty J. Bradley is possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 6.55 acres, known as Nottingham Place Phase 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Council 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 Nottingham Place Phase 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 special meeting of the Council of the City of Modesto held on the 16th day of December, 1996, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, 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

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL
RESOLUTION NO. 96-722

A RESOLUTION APPOINTING MEMBERS OF THE CITY COUNCIL TO THE GOVERNING
BOARD OF THE CITY-COUNTY CAPITAL IMPROVEMENTS AND FINANCING AGENCY

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

SECTION 1. Mayor Lang and Councilmember Friedman are hereby appointed to serve on the governing board of the City-County Capital Improvements and Financing Agency, with Councilmember Dobbs appointed as an alternate to said Agency.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the governing board of the City-County Capital Improvements and Financing Agency, 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 December, 1996, by Councilmember Serpa, who moved its adoption, which motion being duly seconded by Councilmember McClanahan, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Cogdill, Dobbs, Fisher, Friedman, McClanahan,
Serpa, Mayor Lang

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Adams
JEAN ADAMS, City Clerk