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

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

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

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

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

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

SECTION 2: The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Board of Building Appeals and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

(SIGNATURE)

APPROVED AS TO FORM:

By: ________________________________

(SIGNATURE)

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

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

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

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

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

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

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

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

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed members of the Tuolumne River Regional Park Citizens Advisory Committee and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCAJA WOOD, City Attorney

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

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

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

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

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

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the lease agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ___________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ___________________________

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2011, Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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

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

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

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

WHEREAS, the City Manager authorized the Purchasing Manager to accept a quotation from the authorized John Deere distributor for the purchase of a John Deere 210LJ landscape loader and the trade-in of a John Deere 770C grader and a John Deere
310SG backhoe for the Public Works Department, Fleet Services Division, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment, or contractual services to be formally bid. However, one exception to the formal bid process, MMC Section 8-3.204(b) states, "Where the purchasing agency's requirements can be met solely by a single article or process". The sole brand procurement allows the City to obtain the maximum allowance for the same brand trade-in of one John Deere 770 grader and one John Deere 310SG backhoe towards the of one John Deere 210LJ landscape loader for the Public Works, Fleet Services Division to Pape Machinery, French Camp, CA, conforms to the Modesto Municipal Code, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the sole brand procurement of one John Deere 210LJ landscape
loader for the Public Works, Fleet Services Division, to Pape Machinery, French Camp, CA.

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-06

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

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

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

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

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

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

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

WHEREAS, Public Financial Management (PFM), the City’s Financial Management firm, assisted in the review of the responses to develop the pre-qualified vendor list, and
WHEREAS, based on their experience in providing the breadth and depth of services required by the City, all eleven (11) firms were qualified to be on the list, and

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

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

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

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

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

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

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: (Signature)

SEAL

APPROVED AS TO FORM:

By: (Signature)

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING A FIFTH AMENDMENT TO THE AGREEMENT WITH GEOLOGICAL TECHNICS, INC. FOR ENVIRONMENTAL CONSULTANT SERVICES FOR THE POLICE HEADQUARTERS BUILDING AT 10TH & G STREETS IN AN AMOUNT OF $2,553.27; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE FIFTH AMENDMENT TO AGREEMENT

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

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

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

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

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

WHEREAS, on January 13, 2009, the Fourth Amendment to the Agreement was executed to provide a "Human Health Risk Assessment" to evaluate the potential risk at this site, and
WHEREAS, staff recommends execution of a Fifth Amendment to the Agreement with Geological Technics, Inc. for services associated with the closure of the contamination site at the Police Headquarters Facility at 10th and G Streets,

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-09

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Downstream Water System Improvements – Tier 2 Tank 12 Water Transmission Mains project is hereby accepted as complete from said contractor D A Woods Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling $2,462,658.38 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEVANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

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

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

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

WHEREAS, the Director of Parks, Recreation and Neighborhoods has recommended that the bid of $3,494,870.65 received from Teichert Construction for the Base Bid and four (4) Alternates be accepted as the lowest responsible bid and the contract be awarded to Teichert Construction,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Virginia Corridor Phase V – Briggsmore Overcrossing project, accepts the bid of Teichert Construction in the amount of $3,494,870.65 for the Base Bid and four (4) Alternates and awards Teichert Construction the contract for the Virginia Corridor Phase V – Briggsmore Overcrossing Project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

SEAL

APPROVED AS TO FORM:

By: ________________________________

SEAL

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

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

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

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

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

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

WHEREAS, City staff recommends an agreement with Harris Associates, as the City does not have the subject matter expertise to perform construction management and inspection services for the following: processing and tracking of submittals and requests for information, coordination associated with inspections, coordination with City staff, documentation of daily and weekly field activities, and project closeout for the Virginia
Corridor Phase V – Briggsmore Overcrossing Project, and current workload levels do not provide for timely in-house solutions/responses,

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

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

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

WHEREAS, the Fiscal Year 2010-2011 Capital Improvement Program budget must be amended as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2010-2011 Capital Improvement Program budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 11th day of January, 2011, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
### Budget Adjustments for Virginia Corridor CIP – Primary (A087):

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

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

<table>
<thead>
<tr>
<th></th>
<th>Curr Budget</th>
<th>Adjustment</th>
<th>New Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FHWA Revenue</td>
<td>$3,000,000</td>
<td>($300,582)</td>
<td>$2,699,418</td>
</tr>
<tr>
<td>RSTP Revenue</td>
<td>$0</td>
<td>$350,000</td>
<td>$350,000</td>
</tr>
<tr>
<td>CMAQ Revenue</td>
<td>$0</td>
<td>$529,078</td>
<td>$529,078</td>
</tr>
<tr>
<td>Trans In from CFF–Parks</td>
<td>$250,450</td>
<td>$410,333</td>
<td>$660,783</td>
</tr>
<tr>
<td>Trans In from CFF–Air Quality</td>
<td>$0</td>
<td>$557,000</td>
<td>$557,000</td>
</tr>
<tr>
<td>Expense:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eng/Design/Admin</td>
<td>$695,000</td>
<td>$5,734</td>
<td>$700,734</td>
</tr>
<tr>
<td>Construction</td>
<td>$79,744</td>
<td>$3,491,118</td>
<td>$3,570,862</td>
</tr>
<tr>
<td>Contingency</td>
<td>$0</td>
<td>$325,018</td>
<td>$325,018</td>
</tr>
<tr>
<td>Primary Appropriation</td>
<td>$2,550,000</td>
<td>($2,550,000)</td>
<td>$0</td>
</tr>
<tr>
<td>Construction Admin</td>
<td>$0</td>
<td>$379,959</td>
<td>$379,959</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2011-13

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________

(SEAL)

APPROVED AS TO FORM:

By: ____________________________________________

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, member agencies shall provide financial support at a minimum of that outlined in Section 4.3 of the JPA Agreement, and
WHEREAS, transition plans are being prepared to implement the merging of the three agencies to one organization under the JPA,

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE MAYOR TO APPOINT A COUNCILMEMBER AS THE CITY'S REPRESENTATIVE ON THE REGIONAL FIRE AUTHORITY BOARD OF DIRECTORS

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

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

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

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

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

WHEREAS, an Ad Hoc Committee was formed with Mayor Ridenour and Councilmember Lopez from Modesto, Tom Burns and David Boyd from Salida Fire Protection District, and Supervisors Grover and O’Brien from the Stanislaus County Board of Supervisors, and
WHEREAS, the Committee considered the options for a regional organization, and directed staff to develop a Joint Powers Agreement (JPA), and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Mayor to appoint a Councilmember as the City’s representative on the Modesto Regional Fire Authority Board of Directors.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A MODESTO REGIONAL FIRE AUTHORITY FUND TO INCLUDE REVENUE AND EXPENSE ACCOUNTS

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

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

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

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

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

WHEREAS, an Ad Hoc Committee was formed with Mayor Ridenour and Councilmember Lopez from Modesto, Tom Burns and David Boyd from Salida FPD, and Supervisors Grover and O’Brien from the Stanislaus County Board of Directors, and
WHEREAS, the Committee considered the options for governance and directed staff to develop a Joint Powers Agreement (JPA), and

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

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

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

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

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

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

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

WHEREAS, any special services required within the County, including hazardous material response, confined space rescue, technical rescue, Emergency Operations Center
and emergency management support will require additional funding from Stanislaus County, and

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

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

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

BE IT FURTHER RESOLVED, that the Finance Director, or her designee, is hereby authorized to implement the provisions of this resolution.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE RESIGNATION OF RON JESKE FROM THE AIRPORT ADVISORY COMMITTEE

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

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

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

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:  

APPROVED AS TO FORM:

By:  

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

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

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

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

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

WHEREAS, the two (2) Vac-Con combination sewer and storm drain cleaner trucks for the Water Quality Control Division, Wastewater Collection Section were
included in the FY 10/11 new vehicles and heavy equipment budget approved by Council on June 22, 2010 (Ordinance No. 3531-C.S.), and

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

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

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

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the MMC,

WHEREAS, one exception, MMC Section 8-3.204(d), is available where the Purchasing Manager, in his or her discretion, determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. Acting within his discretion, the Purchasing Manager invoked that exception for this purchase due to the cost savings of staff time and the limited number of competitors. There are no
local vendors that can supply this type of equipment. The purchase of two (2) Vac-Con combination sewer and storm drain cleaner trucks, by accessing the terms of the City of Sunnyvale contract with Municipal Maintenance Equipment, Sacramento, CA, will conform to MMC Section 8-3.204(d), and

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

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

BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for an estimated total cost of $667,535.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 25th day of January, 2011, by Councilmember Geer, who
moved its adoption, which motion being duly seconded by Councilmember Muratore,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: ____________________________
          STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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

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

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

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

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

WHEREAS, the City’s post-65 retiree health plans provided by United Healthcare Senior Supplemental and Kaiser Permanente Senior Advantage received minimal rate increases, and
WHEREAS, American Specialty Health rates for chiropractic and PacifiCare Behavioral Health rates for the employee assistance program will remain the same, and

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

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

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

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to execute all necessary agreements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2011-20

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

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

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

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

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

NOES: Councilmembers:  None

ABSENT: Councilmembers:  Hawn

ATTEST:  

STEFANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By:  SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE PROSPECTIVE BIDDER PREQUALIFICATION LIST FOR THE PHASE 2 BNR/TERTIARY WASTEWATER TREATMENT PROJECT

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Prospective Bidder Prequalification List for the Phase 2 BNR/Tertiary Wastewater Treatment Project.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 25\textsuperscript{th} day of January, 2011, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember Geer,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

(Seal)

ATTEST:

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA S. CALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE DIRECTOR OF UTILITY PLANNING AND PROJECTS TO ISSUE CHANGE ORDERS ON THE "E. COOLIDGE AREA WATERLINE REPLACEMENT" PROJECT IN THE TOTAL AMOUNT OF $131,713.64 (21.3% OF THE ORIGINAL CONTRACT PRICE)

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

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

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: ________________________________

SEAL

APPROVED AS TO FORM:

By: ________________________________

SEAL

SUSANA ABCALA WOOD, City Attorney
RESOLUTION REJECTING ALL BIDS FOR THE JENNINGS WASTEWATER TREATMENT PLANT POTABLE WATER SUPPLY PROJECT, AND AUTHORIZING STAFF TO RE-ADVERTISE THE PROJECT FOR THE JENNINGS WASTEWATER TREATMENT PLANT POTABLE WATER SUPPLY

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

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

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

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

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

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project for the Jennings Wastewater Treatment Plant Potable Water Supply.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 25th day of January, 2011, by Councilmember Lopez,
who moved its adoption, which motion being duly seconded by Councilmember Geer,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  
SUSANA ALCALA WOOD, City Attorney
RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT DATED OCTOBER 2010 FOR THE INDUSTRIAL TANK 13 AND PUMP STATION PROJECT AS COMPLETE

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

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

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

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

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

WHEREAS, initially, as part of preliminary design, NorthStar evaluated and presented a technical memorandum to the City assessing the life-cycle costs of a steel tank versus a concrete tank, and
WHEREAS, City staff determined the best solution for the City is to proceed with a concrete tank, and

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

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

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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

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

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

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

WHEREAS, the selection committee, consisting of two UP&P Engineering staff and one Public Works Maintenance staff person, reviewed all 15 of the submitted Statement of Qualifications and narrowed the selection to five consultants, and
WHEREAS, a Request for Proposal (RFP) was issued to the shortlisted five consultants, and
WHEREAS, those consultants submitted proposals and subsequently interviewed with the selection committee, and
WHEREAS, following the consultant interviews, the selection committee determined that the local firm of NorthStar Engineering Group, Inc. (NorthStar) was the most qualified consultant to provide preliminary design services for this project and prepared a Preliminary Design Report (PDR), and
WHEREAS, on April 27, 2010, by Resolution No. 2010-152, Council approved an agreement with NorthStar to complete the 35% design services for the Industrial Tank 13 and Pump Station project and summarize the project scope and cost estimates in a PDR, and
WHEREAS, both Public Works and UP&P staff worked closely with NorthStar to develop the PDR, and
WHEREAS, initially, as part of preliminary design, NorthStar evaluated and presented a technical memorandum to the City assessing the life-cycle costs of a steel tank versus a concrete tank, and
WHEREAS, City staff determined the best solution for the City is to proceed with a concrete tank, and
WHEREAS, the 35% PDR has been successfully completed and will serve as the basis for the final design of the Industrial Tank 13 and Pump Station project, and
WHEREAS, this Final Design Services Agreement will allow for the final design, development of biddable documents, and assistance during the bid period for the project, and

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

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

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:  

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Wellhead Treatment and Blending Lines – Wells 283 & 236 project is hereby accepted as complete from said contractor Conco West, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling $982,942.76 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2011, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

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

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

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

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

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

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

WHEREAS, the City Council, on December 5, 2006, by Resolution No. 2006-758, adopted Specific Plan Amendment No. 3 to the North Beyer Specific Plan to modify
the Policies and Standards, Implementation and Financing, and Public Facilities chapters to allow development of a small-lot subdivision for single-family homes with a minimum of 22 affordable housing units covenant-restricted to moderate income households, on property located on the west side of Oakdale Road, between Mable and Claratina Avenues, to require future development to annex to a new Community Facilities District and to require future residential development to comply with the City's Dual Use Basin Policy, and

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

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

WHEREAS, after said public hearing, the Modesto City Planning Commission, by Resolution No. 2010-28, recommended to the City Council approval of an amendment to the North Beyer Park Specific Plan to modify the Development Policies and Standards to remove a provision from the Land Use Regulations providing for twenty-two units of covenant-restricted moderate-income housing, for properties located west of Oakdale Road between Mable and Claratina Avenues, and
WHEREAS, said matter was considered by the City Council at a duly noticed public hearing on January 25, 2011, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered,

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

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

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

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby authorized and directed to send certified copies of this resolution and said amendment to the North Beyer Park Specific Plan to the Board of Supervisors of the County of Stanislaus.
BE IT FURTHER RESOLVED that the project applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning this Specific Plan Amendment (File No. SPA-10-001). The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

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

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

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
EXHIBIT "A"
NORTH BEYER PARK SPECIFIC PLAN AMENDMENT NO. 4

9. Land Use Regulations

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

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

10. Improvement Standard Regulations

The City of Modesto Department of Public Works Standard Specifications are hereby adopted and incorporated by reference into the North Beyer Park Specific Plan as the Plan’s Development Standards. All development projects shall be subject to the Standard Specifications that are current at the time of application. The City may grant exemptions from the certain code provisions at its discretion in order to implement the plan.
RESOLUTION APPROVING THE PAYMENT OF SEWER BOND REDEMPTION CHARGES IN LIEU OF WASTEWATER CAPACITY CHARGES FOR THE 114-LOTS OF THE ROSE VILLAS VESTING TENTATIVE SUBDIVISION MAP, FOR BUILDING PERMITS ISSUED WITHIN TWO YEARS OF THE RECORDATION OF A FINAL MAP FOR SAID VESTING TENTATIVE SUBDIVISION MAP

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

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

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

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

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

WHEREAS, on November 16, 2010, the applicant's representative, Newman-Romano LLC, submitted a request that the Sewer Bond Redemption charges applicable to building permits issued for the original 142-lot Rose Villas Vesting Tentative Subdivision Map also be applicable to the newly approved 114-lot Rose Villas Vesting
Tentative Subdivision Map, citing that the lesser amount of lots would have a smaller or equal amount of impact upon City services, and

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

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

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

1. Upon the development of the 114 lots of the Rose Villas Vesting Tentative Subdivision Map, approved by the Planning Commission on December 6, 2010, all building permits for new single-family dwellings on the Rose Villas subdivision shall be allowed to pay the Sewer Bond Redemption charges in effect on March 19, 2006, in lieu of payment of Wastewater Capacity Charges until two years after the recordation of a final map.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 2011, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Mayor Ridenour, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Geer, Marsh

ABSENT: Councilmembers: Hawn

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: STEPHANIE LOPEZ, City Clerk

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

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

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

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the Master Environmental Impact Report and whether the subsequent project was described in the Master Environmental Impact Report as being within the scope of the project, and
WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/C&ED 2010-23, which concluded that the proposed Project is within the scope of the Master EIR (SCH No. 2007072023), and

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

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

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on January 25, 2011, at 5:30 p.m., in the Tenth Street Place Chambers, located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study, Environmental Assessment No. EA/C&ED 2010-23, for the proposed amendment, and the Council hereby makes the following findings:

1. The project is of a type described in Chapter II of the Modesto Urban Area General Plan Master EIR (SCH No. 2007072023).

2. All applicable policies, regulations and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

3. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect
on the environment that was not examined in the Master EIR and it has been determined that the project was described as being within the scope of the Master EIR.

4. Based on the Initial Study, the City of Modesto finds and determines:
   a. The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the Master EIR.
   b. No new or additional mitigation measures or alternatives are required.

5. The Initial Study, Environmental Assessment No. EA/C&ED 2010-23, provides the substantial evidence to support findings 1-4, noted above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

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

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

NOES: Councilmembers: Geer, Marsh

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
Exhibit “A”

Initial Study

EA/C&ED No. 2010-23
City of Modesto

Finding of Conformance to General Plan Master EIR:

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

For the proposed:

Specific Plan Amendment and Vesting Tentative Subdivision Map Rose Villas

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

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

November 8, 2010

Updated: December 2009
City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

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

CEQA allows for the limited environmental review of subsequent projects under the City’s MEIR. This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the proposed project, an amendment to the North Beyer Park Specific Plan and Rose Villas Vesting Tentative Subdivision Map, is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH No. 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: Specific Plan Amendment and Vesting Tentative Subdivision Map—Rose Villas

B. Address or Location: 2141 Mable Ave., Modesto, CA (APNs 082-005-031 and 082-025-002)

C. Applicant: Modesto Mable LLC., 1701 W. March Lane, Suite D., Stockton CA 95207

D. City Contact Person: Katharine Martin, Associate Planner

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

SPA-10-001 and TSM-10-001 Finding of Conformance
City of Modesto General Plan Master EIR
Initial Study EA/C&ED No. 2010-23
July 29, 2010
E. Current General Plan Designation(s): R “Residential” and MU “Mixed Use”

F. Current Zoning Classification(s): SP “Specific Plan”

G. Surrounding Land Uses:
   North: Claratina Avenue right-of-way (future expressway); agricultural uses (vineyards)
   South: Mable Avenue and Single-Family Residential
   East: Oakdale Road and agricultural uses (orchard)
   West: Single-Family Residential

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

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

I. Other Public Agencies Whose Approval is Required: None

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. X Within the Scope - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:
   
   A. The proposed project is of a type described in Chapter II of the Master EIR.
   
   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
   
   C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.
   
   D. Based on the Initial Study, the City of Modesto finds and determines:
a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
b) No new or additional mitigation measures or alternatives are required.

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

2. **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The proposed project is of a type described in Chapter II of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

3. **Focused EIR Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The proposed project is of a type described in Chapter II of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

[Signature]

August 20, 2010

Associate Planner

Title

Date
4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.</td>
</tr>
<tr>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>(2)</td>
<td>City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.</td>
</tr>
<tr>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>(3)</td>
<td>Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).</td>
</tr>
<tr>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>(4)</td>
<td>No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.</td>
</tr>
<tr>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>(5)</td>
<td>The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan.</td>
</tr>
<tr>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>(6)</td>
<td>Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.</td>
</tr>
<tr>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

5. Currency of the Master EIR Document

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

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.</td>
</tr>
<tr>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>(2)</td>
<td>This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:</td>
</tr>
<tr>
<td></td>
<td>(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.</td>
</tr>
<tr>
<td></td>
<td>(b) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.</td>
</tr>
<tr>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

SPA-10-001 and TSM-10-001 Finding of Conformance
City of Modesto General Plan Master EIR
Initial Study EA/C&ED No. 2010-23
City of Modesto General Plan Master EIR
July 29, 2010
**IV. ENVIRONMENTAL ANALYSIS**

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is “within the scope” of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City’s obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.
1. **TRAFFIC AND CIRCULATION**

a. **Significant Effects Identified in the Master EIR**

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

**Direct Impacts**

**Effect:** Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto’s significance threshold for automobile traffic, or lower (LOS E or F).

**Effect:** The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG’s Congestion Management Plan for designated roads and highways.

**Effect:** A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

**Cumulative Impacts**

**Effect:** Potential for growth inducement or acceleration of development resulting from highway and local road projects.

**Effect:** Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

**Effect:** Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

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

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

c. **Project-Specific Effects**

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.
**Significance Criteria:** A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

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

**Discussion:**
(1) The project was referred to the City's Land Development Engineering, Traffic Division and no indication was given that the project would exceed traffic generation assumptions assumed in the MEIR.

(2-3) The project was referred to the County of Stanislaus, who indicated concerns of impacts upon existing rural roadways near the project but did not provide specifics to impacts upon level of service for nearby county-maintained roadways. The number of lots proposed for the vesting tentative subdivision map is 28 less than the amount of a previously approved vesting tentative subdivision map for this site, approved by the City of Modesto Planning Commission on January 22, 2007. The subsequent update of the City's General Plan in October of 2008 assumed a maximum of 1,200 dwelling units within the North Beyer Specific Plan. The 114 lots proposed in this VTSM would not cumulatively exceed that number.

(4) The project was referred to the City of Modesto Fire Department, who indicated no comments or concerns with impact to response times.

(5) The project meets the City's code requirements for parking on-site, which is two spaces per dwelling unit.

(6) The project would not pose a conflict with any alternative transportation implementation plan.

(7) The project would not result in an increase in vehicle miles traveled above what has been assumed for the site in the MEIR.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM10) and 2.5 microns or less in diameter (PM2.5) (see MEIR Table 2-8, page V-2-27).

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

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NOX, PM10, and PM2.5.

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

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

Discussion:
The appropriate mitigation to be applied to this project includes Policies AQ-42 through AQ-44 and AQ-46 through AQ-50 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

1. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>2. DEGRADATION OF AIR QUALITY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NOx, PM10, and PM2.5 by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NOx, PM10, and PM2.5.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5) The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project was referred to the San Joaquin Valley Air Pollution Control District, who indicated that the project would not have a significant adverse effect on air quality.

(2) The project will implement Best Management Practices as established by the SJVAPCD.
Applicable General Plan policies will be applied to the project. These policies include implementation of Best Management Practices during the construction phase of the project.

The project would not be a significant contributor to pollution levels. Residential traffic would be a main source of pollution; however, these traffic impacts are within the scope of the MEIR. Pollution from the construction phase of the project will be mitigated in accordance to the General Plan policy cited above.

The project would not produce objectionable odors.

3. GENERATION OF NOISE

1. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

**Effect:** Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City’s noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

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

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

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

**Cumulative Impacts**

**Effect:** Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

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

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

**Discussion:**

The appropriate mitigation to be applied to this project includes N-1 and N-2 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
1. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project’s effects are based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

### 3. GENERATION OF NOISE

1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.  

2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.  

3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.  

4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.

Discussion:

1) The City’s noise policy is incorporated into the conditions of approval as a mitigation measure.

2) The project is consistent with the noise policies of the General Plan. Noise mitigation measures specified by the MEIR, cited above, is incorporated into the conditions of approval for the project.

3) The project is for single-family residential use and the only increase in ambient noise levels would be generated by traffic. The increase in traffic levels are within the scope of what the MEIR assumed for the site, and therefore would not result in a substantial permanent increase in ambient noise levels.

4) The project would not result in a substantial temporary or periodic increase in ambient noise levels. There will be construction related noise during the construction phase of the project but the mitigation measures called for by the MEIR and cited above are incorporated into the conditions of approval for the project. With these measures, the impact of construction noise would be less than significant.
4. EFFECTS ON AGRICULTURAL LANDS

1. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

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

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

Discussion:

There are no mitigation measures applicable to the project.

1. Project-Specific Effects

Section V-4.8 of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the SPA-l0-001 and TSM-l0-001 Finding of Conformance</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
I Potentially Less Than Significant with Less Than Significant Mitigation Significant No Impact Incorporated

Urban Area General Plan’s policies relating to agricultural land.

2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan’s planning area boundary.

3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.

4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.

Discussion:

(1) The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2) The project will not result in the development of land outside of the City’s October 2008 Planned Urbanized Area boundary.

(3) The project site is not zoned for agricultural uses nor is under any Williamson Act contract. The site is vacant land that is not in agricultural production.

(4) The project site will not involve changes to the existing environment that could result in the conversion of farmland into non-agricultural uses. The site is surrounded by existing residential uses to the west and south, and lands designated for future urban uses to the north (Hetch-Hetchy CPD) and east (Tivoli Specific Plan).

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

1. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

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

Cumulative Impacts

SPA-10-001 and TSM-10-001 Finding of Conformance
City of Modesto General Plan Master EIR

Initial Study EA/C&ED No. 2010-23
July 29, 2010
Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users' withdrawals, may result in overdrafting both subbasins.

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

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

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

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

1. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
<td>☑</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is consistent with the General Plan in land use and intensity. The above-cited mitigation measures for compliance with the water supply policies in the General Plan are incorporated into the project as conditions of approval.

(2) The project was referred to the City’s Land Development Engineering Department and no indication was given that there are insufficient water supplies available to serve the project. The project site is to be served by an existing 10-inch water main in Mable Avenue.

(3) No indication was given by the Land Development Engineering Department that the project would deplete groundwater sources or interfere with groundwater recharge.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

1. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson’s hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

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

Cumulative Impacts

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

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

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

**Discussion:**

There are no mitigation measures applicable to this project.

1. **Project-Specific Effects**

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6. INCREASED DEMAND FOR SANITARY SEWER SERVICES</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2-3) The project was referred to Land Development Engineering, who indicated no concerns with regards to wastewater generation from the project site.

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

1. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant impacts on sensitive wildlife and plant habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

**Cumulative Impacts**

**Effect:** Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City’s contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

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

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

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

1. **Project-Specific Effects**

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>
8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

1. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

Discussion:

(1) The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2-4) The project site is not within a biologically sensitive site as defined by Figure V-7-1 of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(5-6) The project is not in conflict with any local policies or ordinances protecting biological resources, nor is in conflict with any adopted habitat conservation plan.
Direct Impacts

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

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

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

Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

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

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

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-15 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes AH-14 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

1. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

SPA-10-001 and TSM-10-001 Finding of Conformance
City of Modesto General Plan Master EIR 19
Initial Study EA/C&ED No. 2010-23
July 29, 2010
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory. | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
---|---|---|---|---|

3) The proposed project would modify or demolish a structure more than 50 years in age. | | | | |

4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources. | | | | |

5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. | | | | |

Discussion:

(1) The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2-4) The project site is vacant land. No buildings exist that would be eligible for listing as a historic or archaeological resource.

(5) The project would not be in conflict with any policy or ordinance protecting historic or archaeological resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

1. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be
interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

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

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

Discussion:
The appropriate mitigation to be applied to this project includes SD-9 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

1. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>9. INCREASED DEMAND FOR STORM DRAINAGE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

SPA-10-001 and TSM-10-001 Finding of Conformance
City of Modesto General Plan Master EIR

Initial Study EA/C&ED No. 2010-23
July 29, 2010
1. The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

2. The project proposes to reduce the number of residential lots from 142 single-family lots provided by a previously-approved vesting tentative subdivision map, to 114 single-family lots. The amount of impervious surface would not be increased beyond what was assumed by the MEIR for the project site. The project will meet City Standards and comply with the City’s “Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures”.

3. Low-impact development principles will be incorporated into the project’s storm drain system design.

10. FLOODING AND WATER QUALITY

1. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

The appropriate mitigation to be applied to this project includes: FW-13 and FW-15 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

1. Project-Specific Effects

Section V-10.8 of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
### 10. FLOODING AND WATER QUALITY

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1)</td>
<td>The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2)</td>
<td>The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>3)</td>
<td>The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4)</td>
<td>The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>5)</td>
<td>The proposed project does not comply with Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>6)</td>
<td>The proposed project would violate water quality standards or waste discharge requirements.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>7)</td>
<td>The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>8)</td>
<td>The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Discussion:**

1. The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

2. The project would comply with the Federal Clean Water Act and the Porter-Cologne Act requirements.
The project area is not within a 100-year flood hazard area as defined by the 2008 FEMA Flood Insurance Rate Map (FIRM).

The project would comply with the City's Guidance Manual for New Development Stormwater Quality Control Measures.

With implementation of the mitigation measures specified above, the project would not violate water quality or waste discharge requirements.

The project would not alter an existing drainage pattern or watercourse. With implementation of mitigation measures specified above, the project would not create or contribute to runoff that would exceed assumptions of the General Plan.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

1. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

There are no mitigation measures applicable to this project. The site is not within or near any riparian area as identified by Figure V-7-1 of the MEIR.

1. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

<table>
<thead>
<tr>
<th>Proposed Project Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2) The project would not eliminate a park or open space. The project proposes a 2.9-acre dual-use basin for storm drainage and recreational activities.

(3) The project was referred to the City's Parks, Recreation and Neighborhoods Department, who indicated no concerns with the project.

12. INCREASED DEMAND FOR SCHOOLS

1. Significant Effects Identified in the Master EIR

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

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts
Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

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

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

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

Discussion:

There are no mitigation measures applicable to this project.

1. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12. INCREASED DEMAND FOR SCHOOLS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.
The project was referred to Modesto City Schools, and no opposition was indicated. The project will be required to annex to the appropriate schools community facilities district as a condition of Final Map approval, and will be required to pay fees in accordance with SB 50/Proposition 1A.

13. INCREASED DEMAND FOR POLICE SERVICES

1. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

**Discussion:**

No mitigation measures are applicable to the project.

1. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>13. INCREASED DEMAND FOR POLICE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Initial Study EA/C&ED No. 2010-23  
City of Modesto General Plan Master EIR  
July 29, 2010
Discussion:

(1) The project is consistent with the General Plan's land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2) The project was referred to the City of Modesto Police Department, who indicated no concerns with the project.

14. **INCREASED DEMAND FOR FIRE SERVICES**

1. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

Discussion:

No mitigation measures are applicable to the project.

1. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.
Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>14. INCREASED DEMAND FOR FIRE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2-3) The project was referred to the City of Modesto Fire Department, who indicated no concerns with the project.

15. GENERATION OF SOLID WASTE

1. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.
1. Master EIR and/or New Mitigation Measures Applied to the Project

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

Discussion:
No mitigation measures are applicable to the project.

1. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>15. GENERATION OF SOLID WASTE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County’s disposal capacity.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discussion:
(1) The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2) The project was referred to the County of Stanislaus and the Solid Waste Division of the City’s Parks, Recreation and Neighborhoods Department, who indicated no concerns with the project with regards to solid waste disposal capacity.

16. GENERATION OF HAZARDOUS MATERIALS

1. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:
Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures are applicable to the project.

1. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

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

(1) The project is consistent with the General Plan’s hazardous materials policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2) The project site is not within one quarter-mile of an existing or planned school. The project is a single-family residential subdivision that would not handle or emit hazardous materials.

(3-4) The project site is not on a state-maintained list of hazardous materials sites.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

1. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

**Direct Impacts**

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

**Cumulative Impacts**

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

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

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

Discussion:

No mitigation measures are applicable to the project.

1. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

---

SPA-10-001 and TSM-10-001 Finding of Conformance
City of Modesto General Plan Master EIR
Initial Study EA/C&ED No. 2010-23
July 29, 2010


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

<table>
<thead>
<tr>
<th>Impact Category</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
</tbody>
</table>

2) The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. | [ ] | [ ] | [ ] | [ X ] |

**Discussion:**

1. The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

2. The project would not be located on soil that is unstable, or that would become unstable as a result of the project.

### 18. ENERGY

#### 1. Significant Effects Identified in the Master EIR

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

**Direct Impacts**

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

**Cumulative Impacts**

**Effect:** Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.
1. Master EIR and/or New Mitigation Measures Applied to the Project

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

Discussion:
No mitigation measures are applicable to the project.

1. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>18. ENERGY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.</td>
<td>☒</td>
<td>☒</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2) The project would not result in wasteful or unnecessary energy consumption.

19. EFFECTS ON VISUAL RESOURCES

1. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:
Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures are applicable to the project.

1. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>19. EFFECTS ON VISUAL RESOURCES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
</tbody>
</table>

Discussion:
(1) The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2-3) The project site is not located near any river, stream, mountains or other visual interest. The project would not have an adverse effect on a scenic vista.

20. LAND USE AND PLANNING

1. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

Cumulative Impacts

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

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

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

Discussion:

No mitigation measures are applicable to the project.

1. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with land</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

SPA-10-001 and TSM-10-001 Finding of Conformance
City of Modesto General Plan Master EIR

Initial Study EA/C&ED No. 2010-23
July 29, 2010
use and planning policies in the Urban Area General Plan.

2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan. ☐ ☐ ☐ ☒

3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project. ☐ ☐ ☐ ☒

4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan. ☐ ☐ ☐ ☒

Discussion:

(1) The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2) The project would complete a community plan (North Beyer Specific Plan), without dividing an established community.

(3) The project site is within the jurisdiction of the City of Modesto. The project does not present a conflict policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.

(4) The proposed project is not subject to any habitat conservation plan or natural community conservation plan.

21. CLIMATE CHANGE

1. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

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

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

Discussion:

The appropriate mitigation to be applied to this project includes CL-25 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

1. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>21. CLIMATE CHANGE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in average automobile trip lengths or CO₂ emissions higher than those assumed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the General Plan’s land use policies. It is a single-family residential project that is consistent in land use and density to what was assumed by the General Plan and the North Beyer Specific Plan.

(2) The project would not result in an increase in vehicle miles traveled above what has been assumed for the site in the MEIR.
(3) A Sustainable Communities Strategy has not yet been adopted by the Stanislaus Council of Governments (StanCOG).
V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

1. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

Traffic and Circulation:

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

Degradation of Air Quality:

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

2. All onsite unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

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

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

5. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions).

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

7. Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
8. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

**Generation of Noise:**

1. The City of Modesto Noise Ordinance (Modesto Municipal Code § 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

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

   A. A hammer, or any other device or implement used to pound or strike an object;
   
   B. A hand-powered saw;
   
   C. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, a chain saw, backpack blower, and lawn mower;
   
   D. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as but not limited to, a saw, drill, lathe, or router;
   
   E. Any of the following:
      1. Heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe);
      2. Ground drilling and boring equipment (such as but not limited to derrick or dredge);
      3. Hydraulic crane and boom equipment;
      4. Portable power generator or pump;
      5. Pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment);
      6. Pile-driving equipment;
      7. Vibrating roller;
      8. Sand blaster;
      9. Gunite machine;
      10. Trencher;
      11. Concrete truck;
      12. Hot kettle truck;
   
   F. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.
Effects on Agricultural Lands:

N/A

Increased Demand for Long-Term Water Supplies:

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

Increased Demand for Sanitary Sewer Services:

N/A

Loss of Sensitive Wildlife and Plant Habitat:

N/A

Disturbance of Archaeological/Historic Sites:

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

Increased Demand for Storm Drainage:

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

Flooding and Water Quality:

1. Construction activities shall comply with the requirements of the City’s Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board’s General Permit for Discharges of Storm Water Associated with Construction Activity.

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

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A
Increased Demand for Police Services: N/A

Increased Demand for Fire Services: N/A

Generation of Solid Waste: N/A

Generation of Hazardous Materials: N/A

Geology, Soils, and Mineral Resources: N/A

Energy: N/A

Effects on Visual Resources: N/A

Land Use and Planning: N/A

Climate Change: N/A

B. New or Additional Mitigation Measures or Alternatives Required

Where the project’s effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study. The following project-specific mitigation measures are necessary to reduce the identified new significant effect: None.
RESOLUTION APPROVING A BUILDING RENTAL FEES SCHEDULE FOR THE MADDUX YOUTH CENTER

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the building rental fees schedule for the Maddux Youth Center as outlined in the attached Exhibit A.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25\textsuperscript{th} day of January, 2011, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk
**MADDUX YOUTH CENTER RENTAL INFORMATION**

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

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

**MADDUX YOUTH CENTER**
615 Sierra Drive, Modesto, CA 95351

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

**Rental Fees:**

<table>
<thead>
<tr>
<th>Facility Type</th>
<th>2-Hour Fee</th>
<th>4-Hour Fee</th>
<th>Each Additional Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entire Facility</td>
<td>$205</td>
<td>$339</td>
<td>$69</td>
</tr>
<tr>
<td>Gymnasium</td>
<td>$176</td>
<td>$282</td>
<td>$54</td>
</tr>
<tr>
<td>Multi-Purpose</td>
<td>$146</td>
<td>$222</td>
<td>$40</td>
</tr>
<tr>
<td>Game Room</td>
<td>$114</td>
<td>$157</td>
<td>$23</td>
</tr>
<tr>
<td>Reading Room</td>
<td>$59</td>
<td>$97</td>
<td>$21</td>
</tr>
<tr>
<td>Computer Room</td>
<td>$58</td>
<td>$95</td>
<td>$20</td>
</tr>
</tbody>
</table>

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

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

Updated 10/20/10 MO
RESOLUTION APPROVING AN ADMINISTRATIVE FEE IN THE AMOUNT OF $125 FOR THOSE CITY OF MODESTO ENTERTAINMENT PERMITS REQUIRING A SPECIAL SESSION OF THE ENTERTAINMENT COMMISSION AND/OR AN EXPEDITED PERMIT

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

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

WHEREAS, the Entertainment Commission has proposed the following:

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an administrative fee in the amount of $125 for those City of
Modesto entertainment permits requiring a special session of the Entertainment Commission and/or an expedited permit.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

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

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

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

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

BE IT FURTHER RESOLVED that the Mayor, or his designee, is hereby authorized to execute the Master Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 25th day of January, 2011, by Councilmember Muratore,
who moved its adoption, which motion being duly seconded by Councilmember Lopez,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)